

EIA Scoping Direction

DNS CAS-02977-Y9F1W7 - Convatec
Green Manufacturing Hub Rhymney

07/03/2024

Prepared by:

Tanya Leck BA (Hons) MSc

Contents

1. Introduction	4
2. Site Description	4
3. Proposed Development	5
4. History	5
5. Consultation	5
6. Environmental Impact Assessment Approach	6
6.1 Baseline	8
6.2 Reasonable Alternatives	8
6.3 Currency of Environmental Information	8
6.4 Cumulative Effects	8
6.5 Mitigation	9
6.6 Population and Human Health	9
6.7 Transboundary Effects	9
6.8 Topics Scoped In but not subject to a standalone chapter	9
7. Environmental Impact Assessment Aspects	10
7.1 Aspects Scoped In	10
Landscape and Visual	10
Noise and Vibration	10
Historic Environment	10
Ground Conditions	10
Ecology and Ornithology	10
Soils and Agriculture	10
Transport	10
Climate Change	10
Electro-Magnetic Interference and Aviation	10
Glint Effects	10
Shadow Flicker	10
Socio-Economics	10
Human Health	10
Water Resources	10
Major Accidents and Disasters (Not as a standalone chapter)	10
8. Table 1: Planning and Environment Decisions Wales Comments	11
9. Other Matters	35
9.1 Changes to PPW	35
9.2 Updated Guidance from the Design Commission for Wales	35

9.3 Habitats Regulation Assessment 35

9.4 SuDS Consent 36

This Scoping Direction is provided on the basis of the information submitted to Planning and Environment Decisions Wales on 09 November 2023, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (as amended) (“The 2017 Regulations”).

1. Introduction

Planning and Environment Decisions Wales (PEDW) received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for Convatec Green Manufacturing Hub which consists of three wind turbines (of approximately 150 m tip height) with a combined capacity of around 15 MW, and approximately 5 MW of ground mounted solar PV, plus associated infrastructure. Zero carbon electricity will be delivered directly from the project to the Rhymney factory through a private-wire, displacing grid sourced electricity and gas, and decarbonising manufacturing activities at the facility for 25 years by Convatec Group.

The request was accompanied by a Scoping Report (SR) [BR10167 002 Scoping, Scoping Request Report dated November 2023 prepared by Wardell Armstrong LLP on behalf of Convatec Limited] that outlines the proposed scope of the Environmental Statement (ES) for the proposed development. The report is available on the Casework Portal at <https://planningcasework.service.gov.wales/> under reference CAS-02977-Y9F1W7.

Planning and Environment Decisions Wales (PEDW) is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

This Direction has been prepared in accordance with the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations PEDW has consulted on the SR and the responses received from the consultation bodies have been duly considered in adopting this Direction.

2. Site Description

The site is located to the west of the Heads of the Valley Industrial Park in the town of Rhymney. The site falls entirely within Caerphilly County Borough Council’s administrative boundary with neighbouring authorities including Merthyr Tydfil approximately 1 km to the west, Blaenau Gwent approximately 2km to the east, Powys and Bannau Brycheiniog National Park approximately 2.6 km to the north.

Further information is available in section 2.1 of the SR.

3. Proposed Development

The proposal as described in the SR is for:

- Three wind turbines of approximately 150 m tip height, with a combined installed capacity of approximately 15 MW, each with external transformers, foundations, crane hardstandings and storage areas;
- Ground mounted solar photovoltaic panels with an installed capacity of approximately 5 MW;
- Electrical substation and control building;
- Access tracks;
- Underground power cables to link the turbines and solar array to the substation and Convatec's manufacturing facility;
- Steel tower anemometer mast for monitoring wind speeds and turbine performance;
- Temporary construction and storage compounds.

The development is proposed to be connected to Convatec's existing manufacturing facility on the site, with any excess electricity being exported locally.

Further information is available in section 2.2 of the SR.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

4. History

No site history is provided in the SR. However, the SR notes that the land is currently used for agricultural (grazing) land comprising of several fields of improved grassland, bound by a mix of scrub, hedgerows and open/featureless boundaries.

The Proposed Development would be connected via private wire to Convatec's existing manufacturing facility, with any excess to be exported locally.

5. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Caerphilly County Borough Council (CCBC)
- Natural Resources Wales (NRW)
- Cadw
- Agricultural Land Use & Soil Policy, Welsh Government (LQAS)
- Transport Directorate, Welsh Government
- The Coal Authority

- NATS
- Dŵr Cymru Welsh Water (DCWW)
- Health and Safety Executive (HSE)
- South Wales Fire and Rescue Service

Additional consultation was undertaken with:

- Powys County Council (PCC) (Neighbouring Authority)
- Blaenau Gwent County Borough Council (BGCBC) (Neighbouring Authority)
- Merthyr Tydfil County Borough Council (MTCBC) (Neighbouring Authority)
- Bannau Brycheiniog National Park Authority (BBNPA) (Neighbouring Authority)

Responses received are included in **Appendix 1**.

6. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether PEDW can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary. This does not imply that ES chapters should not be prepared in accordance with relevant advice in policy documents (e.g. Technical Advice Notes), rather that the ES should concentrate on identifying significant effects on the environment rather than dealing with policy arguments or exhaustively listing policies.

Rochdale Envelope: Whilst not specifically raised in the SR for this project, PEDW has previously been asked whether the '[Rochdale Envelope](#)' approach is appropriate for a DNS application for wind turbine development. Whilst this approach may be appropriate for the pre-

application Environmental Impact Assessment work, it should be noted that a DNS application is an application for full planning permission under the Town and Country Planning Act 1990 (as amended). It is therefore not possible to submit a DNS application with as much uncertainty over what is proposed as is acceptable for an Outline application, or for a Development Consent Order under the Planning Act 2008. At the point of application, the following matters should be clear:

- Number of turbines
- Locations of the turbines (subject to micro-siting considerations)
- Maximum tip height
- Maximum hub height

It is open to the applicant to propose that final hub height and rotor diameter could be left to be dealt with via a written submission to the Local Planning Authority, as a pre-commencement condition (should planning permission be granted) provided the condition specifies that the hub height must not exceed (x) m and the rotor diameter shall not exceed (y) m. As with other conditions, the applicant should seek to agree a suitable form of wording with the Local Planning Authority, which can be submitted for the appointed Inspector's consideration.

The Applicant should also consider that, in some cases, different methods of construction may lead to different significant effects. This is particularly relevant in wind farm projects where different type of foundations may be required. The ES should be clear that the worst-case scenario is addressed consistently in terms of development footprint including construction areas.

Once that level of certainty is reached for the application, the ES should be reviewed and if necessary updated to ensure it properly captures the impacts of the application being submitted. If the applicant has any further queries about the scope for flexibility in the DNS application process, they should contact PEDW.

Micro-siting: PEDW accepts the principle of micro-siting in applications for wind turbines. The ES should be prepared using a clearly identified worst case scenario and final design should not lead to greater likely significant effects than identified in the ES.

Scoping Flexibility: Further to the stated position on micro-siting and the above comments on how the Rochdale Envelope is not an acceptable approach for the eventual application, PEDW is content with the ES being prepared on the basis of design parameters (e.g. dimensions of turbines and associated infrastructure), but the locations of infrastructure should be fixed (subject to micro-siting) and the ES should assess the relevant worst-case scenario for each aspect chapter. PEDW is content that the scoping is based on a maximum scale of development as a worst-case scenario, and revisions can be made to the scheme prior to submission, but the Applicant is advised to contact PEDW where substantial changes are expected, or where changes would affect the worst-case scenario.

Shadow Flicker: PEDW notes that in '[Review of Light and Shadow Effects from Wind Turbines in Scotland](#)' (L.U.C. for climateXchange, 2017) it was found that "there is a lack of evidence to support the use of ten rotor diameters as a cut off, and this is entirely down to misinterpretation of the original reference to this distance."

The ES should provide a clear rationale as to the methodology adopted, and why it is considered appropriate given the scale of turbines proposed and the requirement for more nuanced assessment suggested by the concerns raised in the above document.

6.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the **current** state of the environment" (emphasis added). The baseline of the ES should reflect actual current conditions at that time.

6.2 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Direction.

6.3 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

6.4 Cumulative Effects

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts which the Applicant should follow when preparing the list of projects for inclusion in the

ES; the Applicant should ensure that relevant schemes identified are addressed in the ES using the tiered approach set out in Advice Note 17.

Based on the information set out in the scoping request, the approach to the assessment of cumulative impact is considered largely appropriate. Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All of the other developments considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with LPAs, NRW, Cadw and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

6.5 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

6.6 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

6.7 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

6.8 Topics Scoped In but not subject to a standalone chapter

For such topics it may be helpful to users of the ES if it includes a summary table that signposts the chapters where these matters are addressed.

7. Environmental Impact Assessment Aspects

This section contains PEDW's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by PEDW. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.

PEDW has set out in this Direction where it has/ has not agreed to scope out matters on the basis of the information available at this time. PEDW is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

7.1 Aspects Scoped In

Subject to the comments provided at Table 1, the following aspects are scoped into the ES:

Landscape and Visual
Noise and Vibration
Historic Environment
Ground Conditions
Ecology and Ornithology
Soils and Agriculture
Transport
Climate Change
Electro-Magnetic Interference and Aviation
Glint Effects
Shadow Flicker
Socio-Economics
Human Health
Water Resources
Major Accidents and Disasters (Not as a standalone chapter)

8. Table 1: Planning and Environment Decisions Wales Comments

ID	Reference in Scoping Report	Issue	Comment
Applicant's proposed Aspects proposed to be scoped out			
ID.1	3.8	Major Accidents and Disasters	<p>PEDW notes that section 3.8 of the SR states that due to the nature of the proposed development, it is considered that the likelihood of it causing an event to occur that threatens serious damage to human health, welfare or the environment is low.</p> <p>The SR confirms that site investigations will be undertaken to consider ground instability risks and land contamination. The SR states measures will be implemented to ensure safe working practices within vicinity of any utilities during construction. Comments from CCBC and the Health and Safety Executive (HSE) state that there is a Health and Safety Consultation Zone for a gas pipeline which crosses the west of the site. Whilst it is noted that the SR confirms that the design of the development will incorporate measures to reduce the vulnerability to extreme weather events and ground related hazard events, this should include the presence of the Health and Safety Consultation Zone. The applicant's attention is drawn to HSE's comments in appendix 1.</p> <p>The SR states that the above matters will be considered as part of the relevant topics (i.e. Ground Conditions, Climate Change and Health chapters). PEDW is satisfied that major accidents and disasters can be addressed in the relevant chapters of the ES, and a standalone chapter is not necessary.</p> <p>This topic is therefore scoped in to the ES, but not as a standalone chapter.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.2	3.7	Species Surveys	<p>The SR highlights a number of species surveys that are proposed to be scoped out of the ES, to include:</p> <ul style="list-style-type: none"> • Further Bat Surveys • Invertebrate and Amphibian Surveys • Further Terrestrial Mammal Surveys • Fish Surveys • Passerine Bird Species Surveys • Targeted Surveys for Nightjar and Black Grouse • Migratory Waterfowl Surveys <p>These matters are discussed in the Ecology and Ornithology section below).</p>
Landscape and Visual			
ID.3	5.3	Visual Receptors	<p>The applicant's attention is drawn to comments from CCBC's Landscape Architect, who advises that the Landscape and Visual Impact Assessment (LVIA) should consider the following receptors:</p> <ul style="list-style-type: none"> • All Special Landscape Areas (SLA) within the 20 km study area. • All Visually Important Local Landscapes (VILL) within the 20 km study area. • The Gelligaer Common Historic Landscape. • Rhymney Valley Ridgeway Walk, a regional recognised and publicised long distance footpath. Notably the sequential effects when walking north from Fochriw. • National Cycle Network 684, notably the sequential effects when travelling north from New Tredegar. • Settlements, notably Rhymney, Princetown, Pontlottyn, Fochriw.

ID	Reference in Scoping Report	Issue	Comment
			<ul style="list-style-type: none"> A roads, A465, A469 and B4256. <p>BGCBC also highlight that the Mynydd Bedwellty, Rhymney Hill and Sirhowy Valley, and the Trefil and Garnlydan Surrounds SLAs are located within 2-2.5 km of the site.</p> <p>PEDW recommends that the above receptors are included in the assessment.</p>
ID.4	5.4	Proposed Study Area	<p>The applicant's attention is drawn to NRW's comments, which state that a 20 km study area for the LVIA of the wind turbine development is at the lowest limit of the recommended study area for structures between 146 m to 175 m tall. The submitted ZTV shows areas of visibility within the Black Mountains and Fforest Fawr that are close to but beyond 20 km. Therefore, as part of the preliminary assessment and site survey, it is recommended that these areas are considered for inclusion within the final LVIA study area.</p> <p>CCBC have also raised concerns with the proposed 5 km study area for cumulative impact for the solar farm. CCBC recommend the study area is increased to 10 km to assess cumulative effects for the solar farm.</p> <p>PEDW recommends the applicant liaises directly with NRW and CCBC to address their comments regarding the study area, and the rationale for the final study areas should be clearly outlined in the ES.</p>
ID.5	5.5	Proposed Surveys and Assessment Methodologies	<p>The SR states that the LVIA will follow the approach set out in <i>Guidelines for Landscape and Visual Impact Assessment: Third Edition (GLVIA3)</i>. This approach is welcomed.</p> <p>The use of good practice guidance <i>Assessing the Cumulative Impact of Onshore Wind Energy Developments</i> issued by Nature Scot is also noted. The applicant's</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>attention is drawn to comments from NRW which highlight that the updated version, published 2021, should be used (Guidance - Assessing the cumulative landscape and visual impact of onshore wind energy developments NatureScot) as opposed to the 2012 version referenced in the SR.</p> <p>NRW also advise that the LVIA should include an assessment of the effects on landscape character within different landscape character areas (LCAs) across BBNP and the special qualities as set out in <i>Y Bannau: The Future - the Bannau Brycheiniog National Park Management Plan 2023-2028</i>. NRW further note that the assessment should be supplemented by evidence, to include:</p> <ul style="list-style-type: none"> • Bannau Brycheiniog National Park Authority's Landscape Character Assessment 2012 • LANDMAP • NRW Report 569 Tranquillity and Place and the accompanying online StoryMap for visually tranquil places (Tranquillity and Place (arcgis.com)) • NRW Report 514 Dark Skies and online StoryBoard for the dark skies mapping undertaken in 2021 (Wales Dark Skies (arcgis.com)) <p>CCBC state that the LVIA should also detail and assess any impact during construction and decommissioning periods. PEDW therefore recommend that the above guidance and documents are included in the LVIA methodology and the assessment should cover the construction, operational and decommissioning phases.</p>
ID.6	5.5.2-5.5.3	Visualisations	CCBC concur with the approach set out in the SR for photomontages and wireframes to be used for visualisations. CCBC note that these will be required for all viewpoints located within Caerphilly.

ID	Reference in Scoping Report	Issue	Comment
			<p>NRW advise that viewpoints within the BBNP should be used to prepare cumulative wireframes, wireframes, and photomontages. NRW also note that the turbines would require aviation lighting, therefore a nighttime photomontage should be included from within BBNP.</p> <p>PEDW recommends the applicant liaises directly with CCBC, BBNPA, BGCBC and NRW to agree the approach to viewpoints and visualisations. The agreed approach should be clearly outlined in the ES.</p>
ID.7	5.6	Landscape Effects	<p>The applicant's attention is drawn to comments from NRW and BBNPA regarding the impact on the landscape value of the BBNP. NRW also highlight the impact of aviation lighting on the turbines and the impact on the International Dark Skies Reserve which should also be included in the assessment. CCBC have advised that a tree survey and arboricultural impact assessment should also be provided to inform the assessment of the effects of the proposal on the landscape. PEDW advise that these matters should be addressed in the LVIA.</p>
ID.8	5.7, Table 5-1.	Visual Effects	<p>A list of proposed viewpoints is provided in table 5-1 of the SR. The SR states that assessment of the visual effects of the proposed development will be based on analysis of the Zones of Theoretical Visibility (ZTVs).</p> <p>The applicant's attention is drawn to comments from CCBC, BGCBC, BBNPA and NRW which recommend expanding on the list of viewpoints provided in the SR. CCBC have suggested four additional viewpoints with amendments to two of the existing viewpoints. NRW state that the single viewpoint within BBNP is unsuitable, suggesting a greater number and wider geographical spread of viewpoints to capture the different visual impacts which are expected across the BBNP. A number of viewpoints within BBNP have been suggested by NRW and BBNPA. NRW also recommend that any viewpoints within the BBNP which may be impacted by the solar PV proposals should be set out in the LVIA.</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>BGCBC have also recommended that the viewpoint locations are significantly expanded to allow for a cumulative assessment, particularly with relation to Manmoel Wind Farm, Mynydd Carn-y-Cefn Wind Farm and Mynydd Bedwellte. Further advice on cumulative impact is included below.</p> <p>PEDW recommends the Applicant liaises directly with the above consultees to agree the approach to viewpoints, the agreed approach should be clearly outlined in the ES.</p> <p>In regard to the proposed ZTVs, CCBC state that more detailed ZTVs will be required for the 20km radii and, a ZVT at 10 km should include a larger scale OS base (preferably at 1:50,000) because the majority of significant effects are likely to be within this 10 km radii. It is therefore recommended that a more detailed ZTV plan with the additional viewpoints is provided within the ES.</p>
ID.9	5.8 (see also 3.5)	Cumulative LVIA (CLVIA)	<p>As stated in Section 6.4 of this Direction, Cumulative Effects should be dealt with in line with the NSIP Advice Note 17.</p> <p>The applicant's attention is drawn to comments by BBNPA and NRW regarding cumulative landscape and visual impact with regards to BBNP. The 20 km study area is noted, however both consultees highlight that cumulative effects on landscape and visual matters can occur over a large radius, some of those being outside of the LVIA study area of 20 km. BBNPA raise concerns with the potential for a proliferation of wind turbine schemes on the fringes of the National Park. It is therefore recommended that the CLVIA study area should be extended beyond 20 km to assess the impact on the National Park. It has been recommended that cumulative ZTVs should be prepared to inform and justify an appropriate CLVIA study area.</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>The SR provides a list of existing and approved energy infrastructure schemes in the area to be considered in the CLVIA. The applicant's attention is drawn to comments from CCBC and BGCBC, that the assessment will also need to consider cumulative effects with other windfarms / turbines which are currently at planning stage. It is noted that the following projects have not been included on the list of developments to be considered for cumulative impact:</p> <ul style="list-style-type: none"> • Manmoel Wind Farm (DNS/3239181) • Twyn Hywel Energy Park (DNS/3272053) • Mynydd Carn-y-Cefn Wind Farm (DNS/3270299) • Abertillery Wind Farm (DNS/3278009) • Mynydd Llanhilleth Wind Farm (DNS/3273368) • Mynydd Bedwellte (DNS CAS-02504-M9J3F4) • Land At Penrhiwgwaith Farm (C/2023/0212— BGCBC) • Any other largescale windfarm / solar farm developments within the study area. <p>CCBC recommend that the study area for the cumulative impact of the solar farm is increased from 5 km to 10 km.</p> <p>PEDW welcomes the SR states the cumulative assessment will consider operational windfarms or solar farms and those consented but not yet constructed. However, the cumulative assessment should also include those currently at planning application stage and those at pre-application stage. PEDW recommends the list of developments/proposals to be included should be reviewed and agreed with consultees. There may be other types of development that should be considered other than solely renewable energy; ultimately the LPAs are best placed to identify potentially relevant projects in their planning areas. PEDW recommends the applicant liaises directly with the</p>

ID	Reference in Scoping Report	Issue	Comment
			LPAs and NRW to agree the approach to the cumulative assessment, which should be clearly outlined in the ES.
ID.10	5.9	Residential Visual Amenity Assessment (RVAA)	PEDW acknowledge that the RVAA will be undertaken in accordance with <i>The Landscape Institute's Residential Visual Amenity Assessment (Technical Guidance Note 2/19)</i> . CCBC advise they consider that a 2 km study area is acceptable, and inclusion of baseline photography (from the nearest publicly accessible location) and a wireframe of the proposed development are welcomed.
ID.11	5.10	Approach to Mitigation	<p>NRW note that the proposals are likely to impact on the natural beauty of the BBNP and its special qualities. They have therefore recommended that the applicant gives particular attention to the height of the turbines and examines the potential impacts of different turbine heights, as well as the number, siting and layout, relative to receptors within the BBNP. NRW draw the applicant's attention to design guidance provided in NatureScot <i>Siting and Designing Wind Farms in the Landscape Guidance, 2017</i>. PEDW recommend this assessment should be clearly outlined in the ES.</p> <p>As cited at the end of this Direction, the Design Commission for Wales (DCfW) has recently published guidance on designing renewable energy projects in Wales. They also offer a design review service: https://dcfw.org/ourservices/designreviewservice/</p>
Noise and Vibration			
ID.12	6.1-6.7	Noise and Vibration	The SR states that a Noise Assessment will be undertaken and included as a chapter in the ES. PEDW welcomes that the assessment will consider noise and vibrations from wind and solar elements of the scheme, as well as construction.

ID	Reference in Scoping Report	Issue	Comment
			<p>The assessment should include (but not be limited to) diggers and earth moving equipment, trucks, generators, and water pumps.</p> <p>No comments have been received from the LPA's Environmental Health Officer. It is agreed that a noise assessment should be undertaken for this proposal and that a methodology for this should be agreed with the Council's Environmental Health Team prior to commencing the assessment. The assessment and supporting methodology should be clearly outlined in the ES.</p>
	Historic Environment		
ID.13	7.2, Table 7-7	Historic Environment Legislation and Planning Policy	<p>The SR confirms the assessment will be undertaken in accordance with Cadw's <i>Setting of Historic Assets in Wales</i> guidance, PPW and Technical Advice Note 24 (Historic Environment). This approach is welcomed.</p> <p>The applicant's attention is drawn to comments by CCBC, which highlight that the phrase "<i>less than substantial</i>" in respect of harm has been used in Table 7-7. This appears to be taken from England's National Planning Policy Framework, where this phrase has defined meaning. Any assessment should be undertaken in accordance with relevant Welsh Planning Policy.</p> <p>Cadw have advised that the Historic Environment (Wales) Act 2023 will be enacted during 2024. Therefore, the legislation in section 7.2 may need to be reviewed and updated in line with this update.</p>
ID.14	7.4, Appendix A Table 2	Proposed Methodology	<p>The SR confirms the effect of the proposals on archaeological and cultural heritage resources will be assessed within an Archaeological Desk Based Assessment (ADBA) and Heritage Impact Statement. The approach is welcomed.</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>The applicant's attention is drawn to comments by BBNPA which highlight potential discrepancies between the heritage assets listed in Appendix A Table 2 and drawings BR10167/013 Screened Zone of Theoretical Visibility and BR 10167-015 Designated Historic Assets. This should be clarified in the ES.</p> <p>Cadw recommend that a review of the National Monuments Record is undertaken and cross referenced with the Historic Environment Record to inform the assessment.</p> <p>The SR states that a desk-based assessment will be undertaken to determine the archaeological potential of the area with regards to non-designated sites, as well as the potential impact upon them. The applicant's attention is drawn to comments by Cadw, Glamorgan Gwent Archaeological Trust (GGAT) and CCBC which state that, depending on the results of the desk-based assessment, further archaeological works may be required. Once the ADBA has been completed, Cadw and GGAT should be consulted to determine if pre-determination archaeological fieldwork will be required.</p> <p>Cadw note that the SR does not include a methodology for the site investigation to discover unrecorded archaeological features. It is assumed that this will include reviews of the LIDAR evidence and field visits and will be carried out in accordance with the standards and guidance set by the Chartered Institute for Archaeologists. This should also be carried out to a submitted and approved Written Scheme of Investigation.</p> <p>The above matters should be addressed and clearly outlined in the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
	Ground Conditions		
ID.15	8.2-8.3	Sources of Information and Baseline Assessment	<p>The applicant's attention is drawn to comments by NRW in appendix 1, within which they state that this ES chapter should be informed by the following assessments and investigations:</p> <ul style="list-style-type: none"> • Phase 1 desk study for historical land use of the site to determine the extent of potential contamination of the soil and groundwater at the site • Water Feature Survey with a radius of 300 m • Construction Environmental Management Plan (CEMP)
ID.16	8.5	Potential Effects	<p>The SR states that both a Phase 1 Ground Condition and Contamination Desk Study report will be prepared and included in the ES to consider ground instability risks and land contamination. The desk study should be undertaken in line with NRW's advice included in appendix 1.</p> <p>CCBC state that a significant part of the site is located on a former tip, consisting of 3 Category B Tips in this area. We refer the applicant to comments from the Coal Authority at appendix 1. The Coal Authority concur with the proposed inclusion of a Phase 1 Ground Conditions Desk Study and Coal Mining Risk Assessment in the ES. Those assessments should be used to inform any necessary mitigation measures. The Coal Authority highlight that the solar panels appear to be located in an area where mine entries are present. They recommend the site layout should avoid the presence of panels or associated equipment near mine entries and their zones of influence.</p> <p>As noted above, NRW recommend that a Water Feature Survey is undertaken to assess the likely impacts from the development on both quantity and quality of surface water and groundwater. The applicant's attention is drawn to NRW's comments on the methodology for the Water Feature Survey. In addition, should</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>the underground cabling be fluid filled, the applicant will need to consider the Environment Agency "Approach to Groundwater Protection" (adopted by NRW) position statement.</p> <p>The SR confirms that a CEMP will accompany the forthcoming application. The applicant's attention is drawn to NRW's comments on matters that should be addressed in the CEMP. PEDW recommend that the CEMP is included as a technical appendix to the ES.</p>
ID.17		Tip Erosion	<p>The effect of drainage in respect of potential erosion of the tip surface should be considered as part of this chapter. The applicant's attention is drawn to comments from CCBC which state that drainage needs careful consideration, as surface water in concentrated volumes may lead to erosion of the tip surface. This will need to be considered particularly with regard to collection of rainwater from solar panel surfaces and how this is managed.</p>
	Ecology and Ornithology		
ID.18	9.3, 9.4, 9.10.2, 9.12.4.	Bats	<p>The SR states that a Preliminary Roost Appraisal (PRA) and a Bat Activity Survey have been undertaken. The SR proposes to scope out further terrestrial mammal surveys and bat surveys to check for roosting bats (such as emergence surveys) following the results of the extended phase 1 habitat survey.</p> <p>The applicant's attention is drawn to comments from NRW which acknowledge that no features were identified that have potential to support roosting bats within 200 m plus indicative blade length of the proposed turbines. NRW seek clarification on the features that were assessed, as to whether they included any trees within scrub or hedgerows bordering the site. NRW states that if there are</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>trees with potential to support roosting bats within the boundary vegetation, the trees should be subject to climbed, endoscope inspections.</p> <p>It is not therefore possible to scope out further bat surveys at this stage. If further information provided to NRW supports scoping out bat surveys, the applicant should seek agreement to this from NRW and this should be explained in the ES.</p>
ID.19	9.10.1, 9.12.1	Invertebrates and Amphibians, including Great Crested Newt (GCN)	<p>The SR states that targeted reptile surveys were scoped out. Para 9.12.1 states that in accordance with NatureScot guidance (2023), some protected species (such as invertebrates and amphibians), with standard mitigation, are unlikely to experience any significant environmental effects from wind farm developments and therefore targeted surveys are not required.</p> <p>As highlighted by CCBC's Ecology Officer, this assessment does not appear to consider the solar element of the proposal.</p> <p>The applicant's attention is also drawn to comments from NRW, which state that in order to comment on the proposal to scope out amphibian surveys, further information is provided to:</p> <ul style="list-style-type: none"> clarify that the waterbody 100 m north of the site refers to the Bute Reservoir; describe the Nant Carno brook and the likelihood of it acting as a barrier to dispersal of amphibians. <p>The SR states a buffer of 50 m will be applied between works and watercourses. NRW further advise that should there be any changes to the buffer zone (particularly regarding the solar panels), it may be necessary to</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>scope invertebrates in, due to the potentially damaging impacts of the attraction of aquatic insects to panels in countryside near watercourses.</p> <p>It is not therefore possible to scope out GCN at this stage. If further information provided to NRW supports scoping out GCN, the applicant should seek agreement to this from NRW and this should be explained in the ES. The assessment must also consider the solar and ancillary elements of the scheme.</p> <p>PEDW recommends the applicant liaises directly with NRW on this matter on whether GCN can be scoped out of the ES. If NRW advise GCN should be scoped in following the provision of the above information, the applicant should liaise directly with NRW regarding the detail required for the ES.</p>
ID.20	9.12.4	Otter	<p>The SR states that that terrestrial mammal surveys were scoped out. The nearest waterbodies are located 100 m north of the site and 600 m south of the site. NRW have advised, due to the presence of watercourses within and close to the boundary of the site, the application should include a thorough consideration of the use of the site by otters both for resting places and for dispersal between river catchments, with surveys across the year to establish any seasonal pattern of use.</p> <p>It is not therefore possible to scope out otter at this stage. If further assessment supports scoping out Otter, the applicant should seek agreement to this from NRW and this should be explained in the ES.</p> <p>PEDW recommends the Applicant liaises directly with NRW on this matter. If otter signs are found, otter should be scoped in to the ES and the Applicant should liaise directly with NRW regarding the detail required for the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.21	9.12.2	Reptiles	<p>The SR states that targeted reptile surveys are proposed to be scoped out due to the habitat on site (predominantly heavily grazed semi-improved grassland) and considers that the mitigation approach) is proportionate and precautionary in the event that any reptiles are present on site.</p> <p>The applicant's attention is drawn to comments from CCBC which acknowledge a number of ecology surveys are proposed to be scoped out. The LPA state that the requirement for further surveys should be determined through the preliminary ecological assessment / phase 1 surveys. It is not therefore possible to scope out reptiles at this stage. If further assessment supports scoping out reptiles, the applicant should seek agreement to this from the LPA and this should be explained in the ES.</p>
ID.22	9.12.3	Fish	<p>The SR states that fish surveys are proposed to be scoped out of the assessment given that watercourses will not be directly affected by the proposed development (with an appropriate buffer of 50 m applied between works and watercourses).</p> <p>PEDW agree that fish surveys can be scoped out. Should there be any works, or a reduction in the 50 m buffer zones, fish surveys may need to be scoped in.</p>
ID.23	9.12-9.13	Ornithology	<p>No specific comments have been provided from NRW, therefore the applicant should engage with NRW on this matter. The SR proposes to scope out a number of ornithology surveys, notably passerine bird, targeted surveys for nightjar and black grouse, and migratory waterfowl surveys.</p> <p>The applicant's attention is drawn to comments from CCBC which state that the requirement for these surveys, or not, should be determined through a preliminary ecological assessment. If these are found to be required, these surveys should be scoped in to the ES. Para 9.10.1 states that field surveys</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>found that the site supported a modest breeding bird assemblage, principally comprising of passerine species.</p> <p>CCBC's Ecology officer has also raised concerns that the areas of solar panels appear to not have been given consideration in assessing the effects of the development on wildlife, in particular ground nesting birds.</p> <p>The applicant's attention is further drawn to the following comments from BGCBC:</p> <ul style="list-style-type: none"> • There are records of red kites, kestrel and merlin flying over Parc Bryn Bach approx. 2.5 km miles to the northeast of the site. It is likely they are traversing across the wider landscape area. • Marsh Harrier have been recorded within 500 m of the application site. • Consideration should be given to the impacts of the proposal on Pare Bryn Bach Local Nature Reserve approximately 2.5 km to the east of the site which supports a variety of wildfowl including golden eye black headed gulls, herring gulls. • The A465 corridor has historically been known to support populations of lapwing. <p>Whist is it noted that the SR confirms targeted bird species will be scoped in to the assessment (9.13.2), it is not possible to scope out the above ornithology matters at this stage. If further assessment supports scoping out those bird species, the applicant should seek agreement to this from NRW and LPA ecologists, and this should be explained in the ES.</p>
ID.24		Impact Assessment	The applicant's attention is drawn to comments from NRW regarding the methodology for assessing impact and significance for protected species.

ID	Reference in Scoping Report	Issue	Comment
			Where the potential for significant impacts on protected species is identified, NRW recommend that a Conservation Plan is prepared for the relevant species and included as a technical appendix to the ES.
ID.25		Local biodiversity interests	<p>The applicant's attention is drawn to comments from CCBC which state that the site encroaches onto Cefn Gelligaer, West of Deri Site of Importance for Nature Conservation (SINC) NH3.17. The LPA state that the SINC and the effect of the proposal on its qualifying features should be considered in this chapter. BGCBC also highlight the presence of Mynydd Bedwellte SINC within 2.5 km of the site.</p> <p>In addition, the location of three coal tips has been highlighted by CCBC in relation to the unique ecological system, notable some plant and fungi life that is only found on coal tip areas. CCBC therefore advise that any biodiversity supported by the tip should be considered in this chapter.</p> <p>PEDW recommend that the impact on local biodiversity interests, including the above features, are addressed in the ES.</p>
ID.26	9.14	Biodiversity Enhancement	With regard to biodiversity enhancement, NRW advise that grassland restoration could be undertaken as a biodiversity enhancement measure to increase the diversity of wildflowers present. NRW also advise that any enhancement measures which are proposed should avoid bringing bats closer to the wind turbines.
ID.27		Cumulative Impact	The assessment will need to include an assessment of cumulative ecological effects, as highlighted by BGCBC. The SR currently does not include a cumulative assessment for ecology.

ID	Reference in Scoping Report	Issue	Comment
	Soils and Agriculture		
ID.28	10.2-10.3	Baseline Conditions, Identification and Assessment of Potential Environmental Impact.	The SR confirms that the baseline conditions of the site will be informed by desk studies and field survey information, and will also include a review of applicable legislation, policy and guidance. The applicant's attention is drawn to comments from LQAS in appendix 1 which highlight the definition of peatland to be used for assessment.
ID.29	10.2-10.3	Peat	<p>The SR states that the baseline soils information indicates that organic soils and peat may be present across the site. The applicant's attention is drawn to comments from LQAS in appendix 1, within which they state the presence and location of such soils should be confirmed. LQAS advise field survey information should be used to prepare a constraints map to inform the design phase (both infrastructure and working locations) including the restoration and beneficial after use.</p> <p>LQAS further recommend a Soil Management Scheme is prepared to set out the management of soils, their conservation and reinstatement during construction, operations and decommissioning. Full details are included in appendix 1.</p> <p>PEDW therefore recommend that field surveys are undertaken to confirm the presence, location and condition of peat across the site. This should be used to inform the site layout and the impact on peat will need to be addressed in the ES. A soil management scheme should also be provided.</p>
ID.30	10.2-10.3	Agricultural Land Classification (ALC)	The SR states that, based on the Predictive ALC map, the site consists of Grade 5 agricultural land. LQAS concur with this assessment and confirm that a detailed ALC field survey is not required. BMV land is not considered to be present at the site. PEDW are satisfied ALC can be scoped out.

ID	Reference in Scoping Report	Issue	Comment
	Transport		
ID.31	11.1-11.7	Current Baseline, Potential Significant Effects, Proposed Methodology	<p>The SR states that a Transport Assessment will be undertaken to determine the potential transport impacts of the proposed development and will be included as a Technical Appendix to the ES. The SR also states that the information has been based on the assumption that the Industrial Estate access road will provide access to the site. This applicant should liaise with the relevant Highway Authority and this should be confirmed to inform the ES. The ES should also include:</p> <ul style="list-style-type: none"> • Full details of route and access arrangement. • Transport Assessment. • Abnormal Indivisible Load Construction Traffic Management Plan. <p>The SR states that data from 2016 and 2019 will be used to inform the Transport Assessment. CCBC have raised concerns with the use of 2016 data, which would be almost eight years old. PEDW recommend that up to date and relevant data is used to inform the Transport Assessment.</p> <p>No comments were received from the Transport Directorate of Welsh Government. In the absence of comments, the applicant should refer to the draft guidance document 'Pulling Together - Best Practice for Transporting Abnormal Loads in Wales' which has been included in appendix 1. A Construction Traffic Management Plan should contain details of all required Abnormal Indivisible Load (AIL) movements along the trunk road network. Documented trial runs should be included in the CTMP demonstrating the suitability of the entire transport route to the sites, and in reverse for decommissioning.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.32	11.7	Question 2	PEDW consider it acceptable to consider the impact on PRow in the Socio-Economic ES chapter, to be cross-referenced with the Transport chapter where appropriate.
	Climate Change		
ID.33	12.1-12.9	Climate Change	The applicant's attention is drawn to comments from South Wales Fire and Rescue Service regarding the impact of changes in climate and weather patterns, including associated flooding and wildfire risk.
	Electro-Magnetic Interference and Aviation		
ID.34	13.1-13.6	Electro-Magnetic Interference and Aviation	<p>PEDW note that the SR includes an assessment methodology for the impact of the development on Electro-Magnetic Interference and Aviation. The applicant should ensure that any proposed lighting forms part of the assessment. CCBC have no comments to make on these aspects. However, they recommend that the applicant consults with Civil Aviation Authority, Ministry of Defence, National Air Traffic Control, Air Ambulance and Air Police Services and OFCOM. The Civil Aviation Authority were consulted by PEDW however, no comments were provided. NATS raised no concerns in their consultation response with the information provided with SR.</p> <p>PEDW concur with the approach in the SR which states that consultation will be undertaken with a variety of stakeholders in relation to these matters. The approach should be clearly outlined in the ES.</p>
	Glint Effects		
ID.35	14.1-14.10	Glint Effects	The SR states a glint assessment would be undertaken and identifies a number of receptors. CCBC advise that the glint assessment should include residential,

ID	Reference in Scoping Report	Issue	Comment
			road, rail and aviation receptors. CCBC also recommend that the applicant consults relevant parties including the Civil Aviation Authority, Ministry of Defence, National Air Traffic Control, Air Ambulance and Air Police Services and Transport for Wales.
	Shadow Flicker		
ID.36	15.1-15.5	Shadow Flicker	The SR states that a shadow flicker assessment will be undertaken for nearby dwellings. The applicant's attention is drawn to comments from CCBC, within which they advise that relevant PRow will also need to be considered in the shadow flicker assessment. PEDW concur with this recommendation.
	Socio-Economics		
ID.37	16.1-16.12	Socio-economics	The SR states that the socio-economic assessment will be informed by three Areas of Influence: Core, Direct and Indirect. One impact scoped in, is the potential for the reduced access to PRow and green spaces. The applicant's attention is drawn to comments from CCBC's Countryside and Rights Of Way Assistant. The officer notes several PRow that cross the site, they state that development within proximity of the footpaths should be avoided where possible, by a minimum distance of the tip height between any turbine and the footpaths. The officer also draws attention to a number of bridleways outside of the site to the north which should also be assessed, particularly in relation to shadow flicker. Whilst no vehicle access routes have been provided, it is noted that any vehicular routes should be kept separate from public footpaths. If the vehicle routes need to cross footpaths, crossing points must be established, reinforced and sign posted throughout construction. It is also highlighted that the exact location of the routes should be confirmed via the legal records (i.e. the Definitive Map and Statement).

ID	Reference in Scoping Report	Issue	Comment
			An assessment should also be included regarding the impacts of the solar arrays on any PRow.
	Human Health		
ID.38	17.1-17.12		<p>The SR confirms that an assessment of Health will be undertaken to inform the ES. PEDW note that the SR proposed an impact assessment which will be separated into a two-stepped evaluation, including a pre-mitigation and a post-mitigation assessment to identify residual impacts. PEDW acknowledge that the assessment will involve cumulative impact, and that a number of mitigation measures are likely to be proposed i.e. CEMP, Healthcare Management Plan, Stakeholder Engagement Plan, retaining access to green space and PRow, alongside noise and traffic mitigation.</p> <p>CCBC note that topics that are potentially relevant to this will be covered in other chapters (i.e. noise and vibration, ground conditions and transport) and the findings in those will need to be considered in assessing the effects on human health. PEDW concur with this approach. No specific comments have been received from CCBC's EHO.</p>
	Water Resources		
ID.39	18.2.1-18.2.2	Surface Water Features	The applicant's attention is drawn to NRW's comments which highlight the presence of minor watercourses on site with pathways to the Rhymney River.
ID.40	18.3	Flooding	The SR states that the site is located within Flood Zone 1 (Rivers and Sea) of the Flood Map for Planning (FMfP). The applicant's attention is drawn to NRW's comments, within which they welcome the intention to submit a Flood Risk Assessment (FRA) as part of the application. NRW advise that the FRA should demonstrate how flood risk will be managed over the lifetime of the

ID	Reference in Scoping Report	Issue	Comment
			<p>development and should demonstrate whether the development would result in an increase of flood risk elsewhere. NRW advise that records show flooding incidents downstream near the Rhymney River, therefore the impact of this development on changes in flow from the site should be addressed in the FRA.</p> <p>The applicant's attention is further drawn to comments from CCBC and their Drainage Officer, which highlight that parts of the site are identified as being at risk from surface water and small watercourse flooding on the FMfP, and within an area susceptible to groundwater flooding. The advice of the Council's Drainage Engineer is attached and should be considered in the FRA.</p>
ID.41	18.6	Assessment Methodology	The SR states that mitigation measures will be designed to avoid, reduce or offset potential adverse effects on receptors. NRW advise that potential pollution pathways should be the focus of any mitigation strategies. The applicant's attention is drawn to the advice from NRW, which should be incorporated into the CEMP.
ID.42	18.7	Water Framework Directive (WFD) Assessment	The SR states that a WFD assessment will not be required and therefore this is scoped out of the ES. NRW concur with this approach and therefore PED advise that WFD is scoped out.
ID.43	18.8-18.9	Private Water Supplies	NRW draw attention to the presence of a Dŵr Cymru Welsh Water potable water pump station to the west of the site at SO0937808351. CCBC have advised their records indicate that there are no private water supplies within vicinity of the site.
ID.44		Access to Water Pumping Station	The applicant's attention is drawn to comments from Dŵr Cymru Welsh Water, which state that the access road to Ffos y Fran Water Pumping Station is located in the northwest corner of the site. DCWW advise that access must not be disrupted and that no development should occur within the exclusion zones of the water main.

ID	Reference in Scoping Report	Issue	Comment
ID.45		Ordinary Watercourse Consent	The SR notes that there will be a 50m buffer between watercourses and works on site. The applicant's attention is drawn to comments from CCBC's Drainage Officer which highlight that Ordinary Watercourse Consent is required for works on a near a watercourse.

9. Other Matters

This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.

9.1 Changes to PPW

On 11 October 2023 the Welsh Government introduced changes to Chapter 6 of PPW relating to:

- Green Infrastructure,
- Net Benefit for Biodiversity and the Step-wise Approach,
- Protection for Sites of Special Scientific Interest, and
- Trees and Woodlands.

Details are available in the relevant 'Dear Chief Planning Officer' letter:

<https://www.gov.wales/addressing-nature-emergency-through-planning-system-update-chapter-6-planning-policy-wales>

These changes have now been consolidated into a new edition of PPW (ed. 12), published on 07 February 2024: <https://www.gov.wales/planning-policy-wales>.

9.2 Updated Guidance from the Design Commission for Wales

On 23 November 2023 the Design Commission for Wales published their updated guidance "Designing for Renewable Energy in Wales". The guidance is available online:

<https://dcfw.org/designing-for-renewable-energy-in-wales/>

9.3 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

9.4 SuDS Consent

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

Appendix 1: Consultation Responses

Tŷ Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG



Cyfarwyddwr Corfforaethol - Economi a'r Amgylchedd
Corporate Director - Economy and Environment

www.caerffili.gov.uk | www.caerphilly.gov.uk

Chris Pang
PEDW
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

**Head of
Regeneration
and Planning**

Your Ref/Eich Cyf:

Our Ref/Ein Cyf:
Contact/Cysylltwc
Telephone/Ffon:

E Mail/E Bost:

Date/Dyddiad:

**Pennaeth Adfywio a
Chynllunio**

DNS CAS-02977-
Y9F1W7

23/0792/DNS
H Winsall

[REDACTED]

[REDACTED]

10.01.2024

Dear Mr Pang

TOWN AND COUNTRY PLANNING ACT 1990
REFERENCE NO. 23/0792/DNS

EIA Scoping Opinion for DNS: Construct a wind farm to consist of three wind turbines (of approximately 150 m tip height) with a combined capacity of around 15 MW, and approximately 5 MW of ground mounted solar PV, plus associated infrastructure. Zero carbon electricity will be delivered, at Land South West Of Convatec Ltd, Unit 1 – 2 Heads Of The Valleys Industrial Estate, Rhymney

The site is located to the west of the Heads of the Valleys Industrial Estate. The site is proposed to be connected to Convatec's existing manufacturing facility on the site, with any excess electricity being exported locally. An indicative plan shows the turbines and photovoltaic panels located in the southern part of the site.

Comments on the scope of the proposed Environmental Impact Assessment are given as follows.

EIA Process and Assessment Methodology

It is noted that a number of ecology surveys (invertebrate and amphibian surveys, fish surveys, passerine bird species surveys, further terrestrial mammal surveys, further bat surveys, targeted surveys for nightjar and black grouse, migratory waterfowl surveys) are proposed to be scoped out of the Environmental Impact Assessment. The requirement for these surveys, or not, should be determined through a preliminary ecological assessment. If these are found to be required, it would be expected that

these surveys should inform the ecology chapter of the Environmental Statement, and as such included in the scope of the Environmental Impact Assessment.

In respect of risks of major accidents and / or disasters, the Council's records show a Health and Safety Executive Consultation Zone for a gas pipeline crosses the west of the site. It is therefore recommended that HSE's views are sought on whether this matter should be scoped into the Environmental Impact Assessment.

Planning Policy Legislation and Guidance

It is commented that Local Development Plan Policies SP6 (Placemaking), SP7 (Planning Obligations), SP8 (Minerals Safeguarding), SP10 (Conservation of Natural Heritage), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW5 (Protection of the Water Environment), MN2 (Minerals Safeguarding) should be included as considerations in this chapter.

Both the *Planning Guidance for Smaller Scale Wind Turbine Developments- Landscape and Visual Impact Assessment Requirements* and *Smaller Scale Wind Turbine Development- Landscape Sensitivity and Capacity Study* should also be included and considered in this chapter.

Landscape and Visual Impact

In terms of Cumulative Developments, the report currently lists those turbines in operation, those approved and some at planning stage. The Landscape and Visual Impact chapter will also need to consider cumulative effects with other windfarms and turbines currently at planning stage, including Manmoel Wind Farm, Twyn Hywel Energy Park, other largescale windfarm developments proposed within Caerphilly County Borough within the study area, and Land At Penrhiwgwaith Farm within Blaenau Gwent.

It is noted and welcomed, that the Landscape and Visual Impact Assessment (LVIA) will follow the approach set out in Guidelines for Landscape and Visual Impact Assessment: Third Edition (GLVIA3) and draw upon current good practice guidance issued by Nature Scot, which is recognised as the most detailed and relevant guidance currently available in the UK.

An LVIA should also detail and assess the construction and decommissioning periods.

For both a standalone and cumulative assessment, a reduced study area of 20km for the wind turbines is considered acceptable. A 5km study area is considered acceptable for the solar farm, but a 10km study area will be required for cumulative effects.

Both photomontages and wireframes will be required for all viewpoints located within Caerphilly County Borough. (Please see the attached comments from the Council's Landscape Architect commenting on viewpoints.)

In respect of Residential Visual Amenity Assessment (RVAA), it's accepted that the RVAA will be undertaken in accordance with The Landscape Institute's Residential Visual Amenity Assessment (Technical Guidance Note 2/19). A 2km study area is also accepted and it is welcome that baseline photography (from the nearest publicly accessible location) and a wireframe of the Proposed Development will be included.

Currently only 8 viewpoints are outlined within the scoping request, 4 of which are located within Caerphilly County Borough. This is an insufficient number and requires expansion. (Please see the attached comments from the Council's Landscape Architect commenting on viewpoints.) Furthermore, more detailed ZTVs will be required for the 20km area and, as the majority of significant effects are likely to be within a 10km radii, a ZTV for a 10km radii including a larger scale OS base, preferably at 1:50,000, will also be required.

For clarity, within Caerphilly County Borough the following receptors will also require consideration: all special landscape areas (SLAs) and the Gelligaer Common Historic Landscape within the 20km study area; all Visually Important Local Landscape (VILL) within the 20km study area.; Rhymney Valley Ridgeway Walk, a regional recognised and publicised long distance footpath, notably the sequential effects when walking north from Fochriw; National Cycle Network 684, notably the sequential effects when travelling north from New Tredegar; settlements, notably Rhymney, Princetown, Pontlottyn, Fochriw; A roads, A465, A469 and B4256; public rights of way crossing the site.

The comments from the Council's Landscape Architect are attached. A tree survey and arboricultural impact assessment should also be provided to inform the assessment of the effects of the proposal on the landscape.

Noise and Vibration

It is agreed that a noise assessment should be undertaken for this proposal and that a methodology for this should be agreed with the Council's Environmental Health Team prior to commencing the assessment. No further comments are made on this chapter at present, but the comments of the Council's Environmental Health Officer have not yet been received. Should any comments be received on this matter, they will be forwarded to PEDW separately.

Historic Environment

The use of Cadw's "Setting of Historic Assets in Wales" guidance to identify the importance of setting to the significance of historic assets and assess the impact of change is considered appropriate. However, it is commented that the assessment of harm to the setting of historic assets should be carried out in accordance with Planning Policy Wales and Technical Advice Note 24 (Historic Environment), and not in accordance with England's National Planning Policy Framework. The phrase "less than substantial" in respect of harm has been used in Table 7-7 and has definite meaning within the English planning system but is essentially meaningless within the Welsh planning context- if development does not preserve or enhance the significance of the historic environment then it causes harm.

There are numerous non-designated archaeological sites within the proposed development area, largely industrial and extractive features associated with ironstone and coal. There are also water management structures, although the site has previously been the subject of opencast mining and subsequent remediation. This section proposes to carry out a desk-based assessment. The assessment will determine the archaeological potential of the area with regards to non-designated sites, as well as the potential impact upon them. Such an approach is considered appropriate.

It should be noted that, depending on the results of the desk-based assessment, further archaeological works may be required. Depending on the nature of such works it may be appropriate to conduct them pre or post-determination.

The above has been informed by comments from Glamorgan Gwent Archaeological Trust, which are attached.

Ground Conditions

The Council's records show that the site is within a coal mining consultation area and much of the site is considered at high risk due to past coal mining activities. It is therefore recommended that the Coal Authority's views are sought on this matter.

The Council's records also indicate that a significant part of the site is located on a former tip. The Council's Engineer with responsibility for managing tip inspections has confirmed that there are 3 Category B Tips in this area, which are privately owned and inspected by the Coal Authority. It is again recommended that the Coal Authority's views are sought on this matter.

The effect of drainage from the development in respect of potential erosion of the tip surface should be considered as part of this chapter.

The comments of the Council's Engineer are attached. The comments of the Council's Environmental Health Officer have not yet been received and, should any comments be received on this matter, they will be forwarded to PEDW separately.

Ecology and Ornithology

As well as the comments above regarding surveys, the site encroaches onto Site of Importance for Nature Conservation (SINC) NH3.17 (Cefn Gelligaer, West of Deri). This SINC and the effect of the proposal on its qualifying features should be considered in this chapter:

Qualifying features:

Primary:

Extensive area of open countryside where semi-natural upland features predominate. Acid grassland, heath and semi-improved acid grassland with at least 7 indicator species.

Breeding Lapwing (northern part of area).

Locally significant populations of dragonflies (ponds in north of area).

Secondary:

Bracken.

Streams.

Flushes.

Ponds.

Lichen-rich dry stone walls.

Short grassland with ant hills.

The ponds in the north occasionally attract uncommon birds.

In addition, any biodiversity supported by the tip should be considered in this chapter.

The comments of the Council's Ecologist have not yet been received. Should any comments be received on this matter, they will be forwarded to PEDW separately.

Soils and Agricultural

It is noted the site is within an area with a predicted agricultural land classification of very poor quality agricultural land (Grade 5). No further comments are made on this chapter.

Transport:

The following will be required to inform this chapter: full details of route and access arrangements; a Transport Assessment; and an Abnormal Indivisible Load Construction Traffic Management Plan. The use of data from 2016 and 2019 is proposed for the Transport Assessment. While the 2019 data will be acceptable, the 2016 data should not be used as that is nearly eight years old.

Climate Change:

No comments are made on this chapter.

Electro-magnetic Interference and Aviation:

No comments are made on this chapter, but it is recommended that the views of the Civil Aviation Authority, Ministry of Defence, National Air Traffic Control, Air Ambulance and Air Police Services and OFCOM are sought.

Glint:

It is agreed that an assessment of glint should be carried out and should include residential, road, rail and aviation receptors. No further comments are made on this chapter, but it is recommended that the views of the Civil Aviation Authority, Ministry of Defence, National Air Traffic Control, Air Ambulance and Air Police Services and Transport for Wales are sought.

Shadow Flicker:

It is agreed that a shadow flicker assessment should be undertaken for this proposal. Public Rights of Way need to be considered in assessing shadow flicker as well as dwellings.

The above has been informed by comments from the Council's Rights of Way Officer, which are attached. The comments of the Council's Environmental Health Officer have not yet been received and, should any comments be received on this matter, they will be forwarded to PEDW separately.

Socio-Economics:

No comments are made on this chapter.

Human Health:

It is noted that topics that are potentially relevant to this will be covered in other chapters (noise and vibration, ground conditions and transport) and the findings in those will need to be considered in assessing the effects on human health. No further comments are made on this chapter.

Water Resources:

Parts of the site are identified as being at risk from surface water and small watercourse flooding on the Flood Map for Planning. The advice of the Council's Drainage Engineer is attached and should be considered in the assessment of effects.

No further comments are made on this chapter, but it is recommended that the views of Natural Resources Wales are sought.

Yours sincerely

Helen Winsall

Prif Gynllunydd | Principal Planner
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

Tŷ Tredomen,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7WF

Tredomen House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7WF



Cyfarwyddwr Corfforaethol Dros Dro - Cymunedau
Interim Corporate Director - Communities

www.caerffili.gov.uk | www.caerphilly.gov.uk

Planning Application Ref:	23/0792/DNS
Development Name:	proposed wind and solar farm at land to SW of Convatec, Rhymney
Development Description:	Proposed wind and solar farm at land to SW of Convatec, Rhymney - Request for scoping observations from PEDW.
Construction Area:	ha (m ²), as per Application Form.
Is Sustainable Drainage Approval Required for this Development?	Yes.
Has Sustainable Drainage Approval been granted for this Development?	No.
Has a Drainage Statement been provided?	No.
Is the Development within Flood Zone 2 or 3?	No.
Conclusion:	We would like to advise you of Concerns that we have regarding this Application (see below for details)

Requested Advice Note(s)	<p>WARNING: SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.</p> <p>Please note from 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.</p> <p>The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below: Phone: 01443 866511 Email: sab@caerphilly.gov.uk Website: www.caerphilly.gov.uk/sab</p>
Completed by:	Jacob Paton, Assistant Engineer, LLFA.
Date:	09/01/2024

Concerns:

1. The applicant has not indicated how they intend to dispose of surface water within the application form and at this stage limited information has been submitted in relation to surface water and flood risk. A full site investigation will be required including infiltration testing in general accordance with BRE365 procedure, along with a survey of all watercourses in the vicinity and the creation of a surface water system in accordance with the Statutory Standards for Sustainable drainage Systems. The method presented is considered acceptable.
2. The site is situated within an area susceptible to groundwater flooding.
3. Records indicate that there are several watercourses located within the vicinity of the development, however, it would appear that the applicant is aware and are to take this into account within their development proposals. The Applicant should be aware and should the Planning Authority be minded to grant Planning Permission for this

Development, we request that the following or a similarly worded Advisory Note is appended to any permission issued:

WARNING – SEPARATE APPROVAL UNDER THE LAND DRAINAGE ACT (1991) / CAERPHILLY COUNTY BOROUGH COUNCIL LAND DRAINAGE BYELAWS

(2018) REQUIRED: Please note that Caerphilly County Borough Council operate Land Drainage Byelaws and that works on a near a watercourse may require Ordinary Watercourse Consent (OWC).

The erection or construction of any Building or Structure within the Byelaws distance is only permitted following written consent from the Lead Local Flood Authority.

Planning Permission granted here **does not** remove the requirement for approval from the Lead Local Flood Authority to be obtained.

4. Our records indicate there are no Private Water Supplies within the vicinity of the site.
5. There are no recorded flooding incidents within the vicinity of the site. Any flooding events that occur on the common are unlikely to be recorded. There are several recorded flooding events along the Heads of the Valleys access road found to the East of the site.

The applicant should be made aware that Schedule 3 of the Flood and Water Management Act 2010 has commenced as from 7th January 2019, enacting the Sustainable Drainage Approval Body (SAB). From the documents submitted we understand that this development will require SAB approval.

Further information is available via:

www.caerphilly.gov.uk/sab

Phone: 01443 866511

Email: sab@caerphilly.gov.uk

Standing Advice:

When submitting a scheme for drainage the applicant should consider the following, please note that these recommendations should not be regarded as exhaustive, and each application will be considered on a site specific basis:

1. The applicant should incorporate Sustainable Drainage principles into their drainage design where possible, to minimise the impacts to existing/proposed drainage infrastructure/receiving watercourses. Particular reference should be given to the requirements and advice contained within the following documents:

- i. Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems – Published by Welsh Government, 2018.
 - ii. The SUD's Manual C753, Published by Ciria, 2015.
 - iii. Code of practice for surface water management for development sites, BS 8582:2013.
 - iv. Rainfall Runoff Management for Developments, Published by the Environment Agency – Report SC030219.
 - v. Sewers for Adoption 7th Edition, published by WRc plc, August 2012.
 - vi. Technical Advice Note 15: Development and Flood Risk, Published by Welsh Government, July 2004.
2. A detailed drainage strategy should be provided which demonstrates the proposed surface water drainage complies with the discharge hierarchy specified within Part H of the Building Regulations/Sustainable Drainage hierarchy. As much of the runoff as possible should be discharged to each hierarchy element before a lower hierarchy element is considered. Collection and infiltration methods of drainage are required to be considered in the first instance.
3. Soakaways will only be permitted if the applicant can satisfy the authority that permeability tests have been carried out that comply with the requirements of BRE Digest 365 (2016). A feasibility report including test reports and calculations is required which demonstrates that the use of soakaways or other infiltration systems will not adversely affect the development, adjacent land, structures or highways. Soakaways should be designed to a minimum storm return period (RP) of once in ten years (with consideration given to an appropriate factor of safety).
4. Any proposal to discharge surface/ground water flows to existing watercourses is likely to be limited to minimum rates of discharge which will be determined by this authority. The applicant should indicate how these requirements will be met. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 (TAN15).
5. Development layout should take into account exceedance of the drainage system by demonstrating safe overland flows paths and flood routing. Runoff for the 1 in 100 RP event (plus climate change allowance) should be managed within the site at designated temporary storage locations and not adversely affect the development or surrounding infrastructure.
6. It is recommended the applicant open early dialogue with Dwr Cymru Welsh Water (DCWW) with regards to foul / surface water drainage arrangements and secures the necessary permissions / adoption agreements, where interaction with DCWW infrastructure is proposed.
7. The applicant must ensure that during the development period and thereafter that surface water, groundwater, soil and other site debris is contained and dealt with within the curtilage of the site and is prevented from running on to or being otherwise

Tŷ Tredomen,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7WF

Tredomen House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7WF



Cyfarwyddwr Corfforaethol Dros Dro - Cymunedau
Interim Corporate Director - Communities

www.caerffili.gov.uk | www.caerphilly.gov.uk

deposited on adjacent land or highways. This may entail the installation of permanent or temporary cut off drainage.

8. The applicant should also demonstrate that appropriate pollution control measures are in place prior to discharge and confirm the proposals for adoption and long-term maintenance of the drainage system, where appropriate.
9. Please note that no discharge of surface water from the proposed development including driveways will be permitted to drain to the public highway or any highway drain. If the applicant intends to discharge surface water runoff from new highway areas submitted for adoption to the local highway drainage system he may be required to demonstrate that this system has adequate capacity to deal with anticipated additional flows generated by the proposed development. Permission to discharge to the existing highway drainage system may be conditional on the applicant carrying out upgrading works at his own expense or connecting to a point of adequacy within the system.

From: Jones, Mark <[REDACTED]>
Sent: Tuesday, January 2, 2024 3:44 PM
To: Winsall, Helen <[REDACTED]>
Subject: RE: 23/0792/DNS- Proposed wind and solar farm land SW of Convatec, Rhymney

Helen, Darren's email below also:

[REDACTED]

Regards

Mark Jones

Prif Beiriannydd (Dylunio ac Adeiladu) | Principal Engineer (Design and Construction)
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



Porwch ein gwefan | Browse our website
Hoffwch ni ar Facebook | Like us on Facebook
Dilynwch ni ar Twitter | Follow us on Twitter
Gwylwch ein Sianel YouTube | Watch our YouTube Channel
Edrychwch ar ein horiel lluniau ar Flickr | View our photo galleries on Flickr

www.caerffili.gov.uk | www.caerphilly.gov.uk
www.facebook.com/CaerphillyCBC
twitter.com/caerphillycbc
www.youtube.com/caerphillycbctv
www.flickr.com/photos/caerphillycbc

Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format.Corresponding in Welsh will not lead to any delay.

From: Jones, Mark <[REDACTED]>
Sent: Tuesday, January 2, 2024 3:43 PM
To: Winsall, Helen <[REDACTED]>
Cc: Adams, Chris <[REDACTED]> Haines, Alex <[REDACTED]>
Subject: RE: 23/0792/DNS- Proposed wind and solar farm land SW of Convatec, Rhymney

Hi Helen

Yes, we have 3 tips in this area all Cat B tips and there are environmental considerations for you to factor in, however these are privately owned tips and inspected by the Coal Authority.

Please contact:

Darren Bryant

Head of Tips Response

The Coal Authority

200 Lichfield Lane

Berry Hill

Mansfield

Notts

NG18 4RG

Tel: [REDACTED]

24/7 Hazard Line 0800 288 4242

Tip Ownership as follows:

Tip 11			Bryn-Pyllog				Miller Argent (South Wales Limited) (Co. Regn. No. 4261274) & Miller Argent (Nominee No.1)					5 Albany Courtyard, Piccadilly, London, W1J 0HF			
Tip 12			Bryn-Pyllog				Miller Argent (South Wales Limited) (Co. Regn. No. 4261274) & Miller Argent (Nominee No.1)					5 Albany Courtyard, Piccadilly, London, W1J 0HF			
Tip 29	Rhymney near Ron Skinner	Ian Evans Jones	2 Glanelrych Terrace, Rhymney,	Dowlais Top Investment Company	5 St Andrews Crescent,	Thomas Julain Harries &	Glayn-Yr-Afon,Rhymney Bridge,	Caerphilly County Borough Council,	Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG.	Miller Argent (South Wales Limited) (Co. Regn. No. 4261274) & Miller Argent (Nominee No.1) (Co. Regn. No. 4261269)	5 Albany Courtyard, Piccadilly, London,	Lorraine Howells	Cwm Carno Farm,	Ron Skinner & Sons Ltd	Recarn, Park Hill,
			Tredeggar, NP22 5EG.	(Co. Regn. No. 770366)	CARDIFF, CF10 3DA	Delphine Scriven	Rhymney.				W1J 0HF		Rhymney, Mid-Glam	(Co. Regn. No. 3756431)	Trdeggar, NP22 3PG.

I don’t know how familiar you are with this sort of environment, but Tips tend to have an ecological system unique to their environment, in particular some plant and fungi life that is only found on Coal tip areas. I am not an ecologist so I will pass this on to our in-house ecologist for comment.

Drainage also needs careful consideration, particularly collection of rainwater from Solar panel surfaces and how this is managed, water in Concentrated volumes will cause erosion to the tip surface very quickly.

Hope this is helpful.

Regards

Mark Jones
 Prif Beiriannydd (Dylunio ac Adeiladu) | Principal Engineer (Design and Construction)
 Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



Subject:
Date:

FW: Query on comments for 23/0792/DNS- Land SW of Convatec DNS CAS-02977-Y9F1W7
01 March 2024 09:11:59

From: Winsall, Helen

Sent: Thursday, February 29, 2024 11:27 PM

To: Leck, Tanya

Subject: RE: Query on comments for 23/0792/DNS- Land SW of Convatec DNS CAS-02977-Y9F1W7

Hi Tanya

The list in my letter is taken from that given in 3.7.1 of the scoping report as surveys the applicant intends to scope out of the EIA. The point I was making is that without having the preliminary ecological assessment/ phase 1 habitat survey (which is referred to later in the document and seemed at the time to be underway rather than complete) it is difficult to say that we can scope out the requirement for any individual species surveys.

Reptiles are referred to later on in the report and I would say the same thing- without having that report it is difficult to say that the requirement for specific surveys can be scoped out.

I would suggest that they provide the survey information they do have to ourselves and potentially NRW to agree what further individual surveys are required.

Kind regards

Helen

Helen Winsall

Prif Gynllunyydd | Principal Planner

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



Porwch ein gwefan | Browse our website

Hoffwch ni ar Facebook | Like us on Facebook

Dilynwch ni ar Twitter | Follow us on Twitter

Gwylwch ein Sianel YouTube | Watch our YouTube Channel

Edrychwch ar ein horiell lluniau ar Flickr | View our photo galleries on Flickr

www.caerffili.gov.uk | www.caerphilly.gov.uk

www.facebook.com/CaerphillyCBC

twitter.com/caerphillycbc

www.youtube.com/caerphillycbctv

www.flickr.com/photos/caerphillycbc

Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Correspondence may be in any language or format.Corresponding in Welsh will not lead to any delay.

From:

Sent: Thursday, February 29, 2024 11:05 AM

To: Winsall, Helen

Subject: Query on comments for 23/0792/DNS- Land SW of Convatec DNS CAS-02977-Y9F1W7

Hello Helen,

I hope you're well. I have a quick query regarding the comments on Convatec Green Manufacturing Hub Rhymney.

The applicant proposed to scope out a number of species surveys. I note in your comments (included below and full response attached) that you mention the species surveys they proposed to scope out, with the exception of reptile surveys. I've taken it that reptiles not being mentioned means that you are satisfied with them scoping out reptile surveys, but wanted to check this approach before issuing the Scoping Direction. I'd be grateful if you could confirm.

I've included the extract from your comments below for reference.

EIA Process and Assessment Methodology

It is noted that a number of ecology surveys (invertebrate and amphibian surveys, fish surveys, passerine bird species surveys, further terrestrial mammal surveys, further bat surveys, targeted surveys for nightjar and black

grouse, migratory waterfowl surveys are proposed to be scoped out of the Environmental Impact Assessment.

Please don't hesitate to call me if it's easier to discuss over the phone.

Kind regards
Tanya

Tanya Leck

[hi | she / her]

Swyddog Cynllunio | Planning Officer

Penderfyniadau Cynllunio ac Amgylchedd Cymru | Planning and Environment Decisions Wales

Llywodraeth Cymru | Welsh Government

Llinell Uniongyrchol | Direct Line: 0300 025 0456

PCAC Ymholiadau Cyffredinol Ffôn | PEDW General Enquiries Tel: 0300 123 1590

-

-



<https://llyw.cymru/penderfyniadau-cynllunio-ac-amgylchedd-cymru> | <https://gov.wales/planning-and-environment-decisions-wales>



Directorate of Technical Services
Planning Division
Ty Tredomen
Parc Tredomen
Ystrad Mynach
Hengoed
CF82 7WF

29th November 2023

Dear Sir,

Proposed wind farm to consist of three wind turbines (of approximately 150 m tip height) with a combined capacity of around 15 MW, and approximately 5 MW of ground mounted solar PV, plus associated infrastructure. Zero carbon electricity will be delivered (consultation on scoping direction)
Land southwest of Convatec Ltd, Unit 1 - 2 Heads Of The Valleys Industrial Estate, Rhymney, Tredegar, NP22 5RL
App no. 23/0792

Thank you for your consulting us on this scoping opinion. We have read the accompanying Scoping request report (dated November 2023) produced by Wardell Armstrong with interest.

As the scoping report notes, there are numerous non-designated archaeological sites within the proposed development area, largely industrial and extractive features associated with ironstone and coal. There are also water management structures, although the site has previously been the subject of opencast mining and subsequent remediation.

We note that the Historic Environment section (Section 7) indicates it is proposed to carry out a desk-based assessment. The assessment will determine the archaeological potential of the area with regards to non-designated sites, as well as the potential impact upon them. Such an approach is appropriate and we look forward to reading the assessment.

The work will need to adhere to the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA) and carried out to a submitted and approved Written Scheme of Investigation (WSI).

It should be noted that, depending on the results of the desk-based assessment, further archaeological works may be required. Depending on the nature of such works it may be appropriate to conduct them pre or post-determination. Furthermore it is our policy to recommend that all archaeological work is carried out by a Registered Organisation (RO) with the Chartered Institute for Archaeologists, or by a full Member (MCIfA) of the Chartered Institute for Archaeologists.

Thank you for consulting us on this scoping opinion. If you or the applicants have any questions or require further advice please do not hesitate to contact us.

Yours faithfully,

R. Dunning

Rob Dunning BSc MCIfA

Glamorgan-Gwent
Archaeological Trust
Limited
Ymddiriedolaeth
Archeolegol
Morgannwg-Gwent

SA12 Business Centre
Seaway Parade
Baglan Energy Park
Port Talbot
SA12 7BR

Tel: (01792)655208
www.ggat.org.uk

Registered Office: As above
Registered in Wales
No. 1276976

A company limited by guarantee
without share capital

Registered charity
No. 505609



Stephenson, Amy

From: Bryan, Richard J.
Sent: 07 December 2023 14:30
To: Winsall, Helen
Cc: WWW: Planning
Subject: Landscape RE: 23/0792/DNS- Land South West Of Convatec Ltd Unit 1 - 2 UPRN 000043165875
Attachments: ufm12_Consultation_Standard_(14d).pdf
Categories: Amy

Hi Helen,

With regards to your request for comments in respect of the three proposed 150m high wind turbines and solar farm, as outlined in the submitted scoping report, please find my observations below.

Scoping Request Report

- The report acceptably outlines the proposed development.

3 EIA Processes And Assessment Methodology

- This is clear and outlines the accepted approach as detailed in Table 3-1 Matrix for Evaluating Significance, using a 5 point scale for both Significance and Magnitude of effects.

Cumulative Developments

- In terms of Cumulative Developments, the report currently listed those turbines in operation, approved and some within planning stage, the LVIA chapter will also need to consider further cumulative effect of windfarms and turbines currently in the planning stage, including the recent DNS/3239181 - Manmoel Wind proposed, located approximately 5km to the east, Twyn Hywel Energy Park, located approximately 15.5km to the south and other largescale windfarm developments proposed within CCBC, which will be within the study area.

4 PLANNING POLICY, LEGISLATION AND GUIDANCE

- This section adequately outlines both national and local landscape policy in relation to the site from a landscape perspective. In terms of the questions for consultees, I trust you as case officer will respond these two questions.

5 LANDSCAPE AND VISUAL IMPACT

- It's noted and welcomed, that the LVIA will follow the approach set out in Guidelines for Landscape and Visual Impact Assessment: Third Edition (GLVIA3) and draw upon current good practice guidance issued by Nature Scot, which is recognised as the most detailed and relevant guidance currently available in the UK.
- I'd also expect an LVIA to detail and assess the construction and decommissioning periods.

Proposed Study Area

- From a CCBC perspective, for both a standalone and cumulative assessment, a reduced study area of 20km for the wind turbines and a 5km study area is considered acceptable,

for the Solar Farm a 10km study are will be required for cumulative effects, although its appreciated any significant effects are likely to occur within the 5km.

Visualisations

- Both photomontages and wireframes will be required for all viewpoints located within CCBC. Please see comments below regarding viewpoints.

Residential Visual Amenity Assessment (RVAA)

- Its accepted that the RVAA will be undertaken in accordance with The Landscape Institute's Residential Visual Amenity Assessment (Technical Guidance Note 2/19). A 2km study are is also accepted and welcome that inclusion of baseline photography (from the nearest publicly accessible location) and a wireframe of the Proposed Development.

Questions for Consultees 5.11

- ***Are there any comments on the proposed list of assessment viewpoint locations?***
- Currently only 8 viewpoints are outlined within the scoping request, 4 of which are located within CCBC. This is insufficient number and requires expansion to include the following viewpoints.
- Furthermore, a more detailed ZTV's will be required for the 20km and as the majority of significant effects are likely to be within a 10km radii, a ZTV at 10km radii including larger scale OS base, preferably at 1:50,000.

Table 5-1: Suggested Viewpoints for Assessment					
VP	VIEWPOINT NAME	OS GRID REF	DISTNACE FROM SITE	DIRECTION FROM SITE	REASON FOR SELECTION
1	Bute Town	310351E 209128N	840m	N	Representative of view from settlement and footpath RHYM/FP102/1
2	Upper Rhymney	311282E208 855N	1,150m	NE	Representative of view from settlement and footpath RHYM/RBW23/1
3	Rhymney South	312390E206 754N	2,630m	SE	Representative of view from settlement and B-road into settlement
4	Fochriw	310828E 206010N	2,370m	S	Representative of view from settlement and Rumney Valley Ridgeway Walk

Viewpoint	Name	OS Grid Ref	Comment	Alternative / additional OS Grid Ref
1	Bute Town	310351E 209128N	Accepted	

2	Upper Rhymney	311282E 208855N	Alternative location required from the settlement and public open space.	311300E 208759N
3	Rhymney South	312390E 206 754N	Consider locating this VP further to the east on the B road to provide representative view from the VILL.	
4	Fochriw	310828E 206010N	Accepted	
Additional VP	Name	OS Grid Ref	Comment	
A1	A465 / Heads of the Valleys Road	309109E 209001N	Representative of views experienced by users of the dualled A465	
A2	Rhymney Common	311896E 208674N	Representative of views from Rhymney Valley SLA	
A3	Abertywswwg	312590E 205648N	Representative of views from Cycle Network 684 north	
A4	Coed y Moeth Common	315970E 201612N	Representative of views from Common and PROW (Bedwellty FP 28)	

- Its recommend that an amended and more detailed ZTV including the recommended viewpoint is provided, prior to the application being made. Failing that, I reserve the right to request additional viewpoint at the application the application stage, should they be considered necessary.
- ***Has the consultee identified any particular windfarm or solar farm sites to be considered as part of the cumulative assessment?***
- LVIA chapter will also need to consider further cumulative effect of windfarms and turbines currently in the planning stage, including the recent

DNS/3239181 - Manmoel Wind proposed, located approximately 5km to the east, Hywel Energy Park, located approximately 15.5km to the south

NA/23/0006 - Land At Penrhiwgwaith Farm, Hollybush within BGCBC.

and other largescale windfarm developments proposed within CCBC, which will be within the study area.

- ***Has the consultee identified any further landscape or visual receptors to be considered within the assessment (i.e. where it is expected that significant effects may occur)?***

It's appreciated that LVIA is likely to cover these receptors, however for clarity, within CCBC the following receptors will also require consideration;

- All special landscape areas (SLA) and the Gelligaer Common Historic Landscape within the 20km study area.
- All Visually Important Local Landscape (VILL) within the 20km study area.
- Rhymney Valley Ridgeway Walk, a regional recognised and publicised long distance footpath. Notably the sequential effects when walking north from Fochriw.
- National Cycle Network 684, notably the sequential effects when travelling north from New Tredegar.

- Settlements, notably Rhymney, Princetown, Pontllytyn, Fochriw.
- A roads, A465, A469 and B4256.

Kind regards
Richard

Richard Bryan CMLI
Pensaer Tirwedd | Landscape Architect
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council
[REDACTED] [REDACTED]

Porwch ein gwefan | Browse our website
www.caerffili.gov.uk | www.caerphilly.gov.uk
Hoffwch ni ar Facebook | Like us on Facebook
www.facebook.com/CaerphillyCBC
Dilynwch ni ar Twitter | Follow us on Twitter
twitter.com/caerphillycbc
Gwyliwch ein Sianel YouTube | Watch our YouTube Channel
www.youtube.com/caerphillycbctv
Edrychwch ar ein horiel lluniau ar Flickr | View our photo galleries on Flickr
www.flickr.com/photos/caerphillycbc

Gallwch ohebu mewn unrhyw iaith neu fformat. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

-----Original Message-----

From: planning@caerphilly.gov.uk <planning@caerphilly.gov.uk>

Sent: Monday, November 27, 2023 1:40 PM

To: Eadon-Davies, Kevin [REDACTED]; Bryan, Richard J.
[REDACTED]

Subject: 23/0792/DNS- Land South West Of Convatec Ltd Unit 1 - 2 UPRN 000043165875

Please See Attached

Greenway, Joy

From: WWW: Rights Of Way
Sent: 05 January 2024 10:48
To: Winsall, Helen
Cc: WWW: Planning
Subject: RE: 23/0792/DNS- Land South West Of Convatec Ltd Unit 1 - 2 UPRN 000043165875
Attachments: 23-0792-DNS-PROW.pdf
Categories: joy

Hi Helen,

I appreciate this is outside the deadline required by PEDW for responses, but perhaps the following can be retained on file for future reference with this particular site?

The site is crossed by several public rights of way: RHYM/BR99/1, RHYM/FP90/2, RHYM/FP91/1, RHYM/FP95/4, RHYM/FP95/5, RHYM/FP95/6 and RHYM/FP96/1. Caution is needed in locating these routes and legal records (i.e. the Definitive Map and Statement) need to be consulted rather than OS mapping which is representative only and not the legal record.

Although RHYM/BR99/1 (a bridleway) crosses the site, it is a cul-de-sac route and only enters the site by approximately 50 metres. There are however bridleways to the North, and the needs of users should be examined – specifically in relation to shadow flicker etc. but this will depend on the location of the proposed turbines within the red line boundary.

For the remaining public rights of way - footpaths, most are located towards the perimeter of the site, and these should be avoided where possible by a distance of at least the tip height between any turbine and the footpaths, but as far as practicably possible ideally.

The routes of any access roads have yet to be provided, and therefore specific comments cannot be made. However, in general terms, we would expect vehicular access to be kept separate from public footpaths, although they may run in parallel. Crossing points are to be reinforced and sign posted throughout construction.

We would also seek inclusion of the following conditions should the proposal receive consent.

Maintenance

- 1) The site access and any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.

Reason: In the interests of the amenity of the public.

Drainage

- 2) Provision shall be made for the installation and maintenance of a drainage system to ensure that no slurry or water from the permitted area flows onto the public rights of way.

Reason: In the interests of highway safety and safeguarding the local environment.

Safeguarding

- 3) Prior to the commencement of development, the definitive line of the public right of way shall be marked out on site.

Reason: In the interests of the amenity of the public.

- 4) No fencing shall be erected on or within 1 metre of the public right of way as shown on plan ref. 23-0792-DNS-PROW.pdf

Reason: In the interests of the amenity of the public.

- 5) No excavation or tipping of surface material or temporary storage of soils or other materials shall take place closer than 2 metres to the public right of way as shown on plan ref. 23-0792-DNS-PROW.pdf

Reason: So that the development is contained within its permitted boundaries, to avoid effects on surrounding land and to protect users of the public right of way.

Enc: 23-0792-DNS-PROW.pdf

Kind regards,

Stefan Denbury

Cynorthwydd Cefn Gwlad a Hawliau Tramwy | Countryside And Rights Of Way Assistant
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



Porwch ein gwefan | Browse our website

Hoffwch ni ar Facebook | Like us on Facebook

Dilynwch ni ar Twitter | Follow us on Twitter

Gwylwch ein Sianel YouTube | Watch our YouTube Channel

Edrychwch ar ein horiel lluniau ar Flickr | View our photo galleries on Flickr

www.caerffili.gov.uk | www.caerphilly.gov.uk

www.facebook.com/CaerphillyCBC

twitter.com/caerphillycbc

www.youtube.com/caerphillycbctv

www.flickr.com/photos/caerphillycbc

Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Correspondence may be in any language or format.Corresponding in Welsh will not lead to any delay.

-----Original Message-----

From: planning@caerphilly.gov.uk <planning@caerphilly.gov.uk>

Sent: Wednesday, November 29, 2023 7:59 AM

To: WWW: Rights Of Way <rightsofway@caerphilly.gov.uk>

Subject: 23/0792/DNS- Land South West Of Convatec Ltd Unit 1 - 2 UPRN 000043165875

Please See Attached

Hawliau Tramwy Cyhoeddus / Public Rights of Way

23/0792/DNS

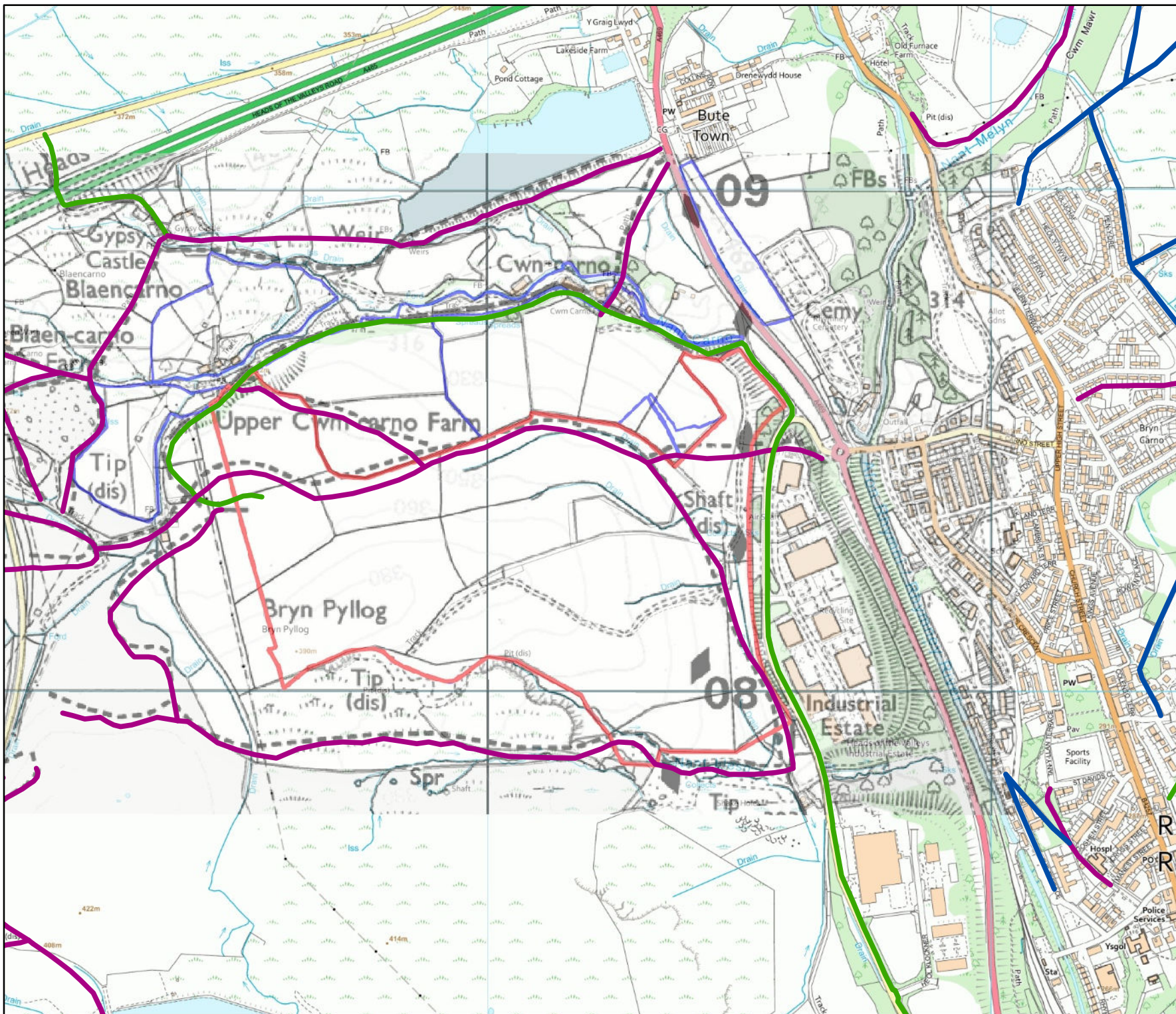
- Cilffordd
Gyfyngedig /
Restricted
Byway
- Llwybr Ceffyl /
Bridleway
- Llwybr Troed /
Footpath

1:10,000 at A4

Mae'r wybodaeth hon ar gyfer arweiniad yn unig ac nid yw'n ffurfio rhan o'r Map Diffiniol. Gallwch chi gael rhagor o gyngor ac arweiniad drwy gysylltu â ni.

This information is for guidance only and does not form part of the Definitive Map. Further advice and guidance can be obtained by contacting us.

© Hawlfraint y Goron a hawliau cronfa ddata 2024, AO 100025372.
© Crown copyright and database rights 2024, OS 100025372.



Consultation Response: Ecology

To	Planning Service Manager	From	Planning and Regeneration; Ecology
FAO	Ms Helen Winsall		Ms Erica Dixon
Date	11/01/2024	Tel	██████████
Your Ref	23/0792/DNS	Email	████████████████████
Location	Land South West Of Convatec Ltd Unit 1 - 2 Heads Of The Valleys Industrial Estate Rhymney Tredegar NP22 5RL		
Proposal	Proposed wind farm to consist of three wind turbines (of approximately 150 m tip height) with a combined capacity of around 15 MW, and approximately 5 MW of ground mounted solar PV, plus associated infrastructure. Zero carbon electricity will be delivered (consultation on scoping direction)		
cc	Planning Admin		

Summary

We would like to see further consideration given to the possible impacts of the Solar Farm section, as the Wind Farm aspect appears to have been suitably addressed.

Comments

We make comments on this application, with respect to the documents submitted in support of the application, in particular:

- *Convatec Limited Convatec Green Manufacturing Hub, Rhymney Scoping Request Report; November 2023; V2.2; 8/11/23 by Wardell Armstrong.*

We largely agree with the Scoping Report, however we have some concerns, given the area of proposed PV, which appears to not have been given consideration in assessing the effects of the development on wildlife, in particular ground nesting birds, with respect to protection of nesting habitats.

From: Winsall, Helen [REDACTED]
Sent: Thursday, January 18, 2024 1:37 PM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Subject: RE: DNS CAS-02977-Y9F1W7 - Convatec Green Manufacturing Hub Rhymney - FW: 23/0792/DNS- Land SW of Convatec

Hi Tanya

I have heard nothing back from Environmental Health, so I think you are just going to have to proceed without them. I note that the scoping report suggests the noise consultant will approach them directly to agree the methodology for the noise assessment. Perhaps you could also suggest that the relevant consultants approach them directly to agree the methodology for the site investigation and shadow flicker assessment?

Kind regards

Helen

Helen Winsall

Prif Gynllunydd | Principal Planner

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



Porwch ein gwefan | Browse our website
Hoffwch ni ar Facebook | Like us on Facebook
Dilynwch ni ar Twitter | Follow us on Twitter
Gwyliwch ein Sianel YouTube | Watch our YouTube Channel
Edrychwch ar ein horiel lluniau ar Flickr | View our photo galleries on Flickr

www.caerffili.gov.uk | www.caerphilly.gov.uk
www.facebook.com/CaerphillyCBC
twitter.com/caerphillycbc
www.youtube.com/caerphillycbc
www.flickr.com/photos/caerphillycbc

Gallwch ohebu mewn unrhyw iaith neu fformat. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

From: Winsall, Helen <[REDACTED]>
Sent: Monday, January 22, 2024 3:29 PM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Subject: FW: 23/0792/DNS- Land South West Of Convatec Ltd Unit 1 - 2 UPRN 000043165875

Please see the following comments from our Strategic Planning Team on this one.

Kind regards

Helen

Helen Winsall

Prif Gynllunydd | Principal Planner
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



Porwch ein gwefan | Browse our website
Hoffwch ni ar Facebook | Like us on Facebook
Dilynwch ni ar Twitter | Follow us on Twitter
Gwyliwch ein Sianel YouTube | Watch our YouTube Channel
Edrychwch ar ein horiel lluniau ar Flickr | View our photo galleries on Flickr

www.caerffili.gov.uk | www.caerphilly.gov.uk
www.facebook.com/CaerphillyCBC
twitter.com/caerphillycbc
www.youtube.com/caerphillycbc
www.flickr.com/photos/caerphilly

Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format.Corresponding in Welsh will not lead to any delay.

From: McGlynn, Douglas <[REDACTED]>
Sent: Friday, January 19, 2024 3:56 PM
To: Winsall, Helen <[REDACTED]>
Subject: FW: 23/0792/DNS- Land South West Of Convatec Ltd Unit 1 - 2 UPRN 000043165875

Hi Helen,

I have reviewed the application number 23/0792/DNS for consistency with reference to CCBC's current LDP to 2021 and would like to make the following observations on policy context references for the submission of the application, some of which were not included in the scoping report:

National Policy

- Future Wales – The National Plan 2040
- Planning Policy Wales, Edition 11 (February 2021);
- Technical Advice Note 5: Nature Conservation and Planning (2009);
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2014)

- Technical Advice Note 15: Development and Flood Risk (2004)
- Technical Advice Note 18: Transport (2007)
- Technical Advice Note 24: The Historic Environment
- Planning for Renewable and Low Carbon Energy - A Toolkit for Planners (2015)
- Prosperity For All: A Low Carbon Wales (March 2019)

It should be noted that the Climate Change policies within the 2nd Replacement Caerphilly Local Development Plan (2RLDP), which was the subject of its statutory Pre-Deposit Consultation in October/November 2022, reflect a more contemporary position since the adoption of the LDP and there are material changes in the Council's position that are pertinent to the consideration of the proposal. There are several policy changes in the emerging plan that are relevant, specifically Chapter 3 and Chapter 4, that deal with land use concerns and key-aims for sustainable development, climate change, renewable energy, and energy resilience respectively.

Caerphilly County Borough Local Development Plan (Adopted 2010)

- Policy SP1: Development Strategy – Development in the Heads of the Valleys Regeneration Area
- Policy SP5: Settlement Boundaries
- Policy SP6: Placemaking
- Policy SP8: Minerals Safeguarding
- Policy SP10: Conservation of Natural Heritage
- Policy CW1: Sustainable Transport, Accessibility and Social Inclusion
- Policy CW2: Amenity
- Policy CW3: Design Consideration Highways
- Policy CW4: Natural Heritage Protection
- Policy CW6: Trees, Woodland and Hedgerow Protection
- Policy CW15: General Location Constraints
- Policy CW19: Location Constraints – Rural Development and Diversification
- Policy CW22: Locational Constraints, minerals
- Planning for Renewable and Low Carbon Energy - A Toolkit for Planners (2015)
- LDP4 – Trees and Development
- LDP10 – Buildings in the Countryside

Caerphilly County Borough Council Net Zero

- Caerphilly County Borough Council's Decarbonisation Strategy (2020)
- Caerphilly County Borough Council's Decarbonisation Action Plan (2020)
- Caerphilly County Borough Council's Energy Prospectus (2019)

A further reference should be the Design Commission for Wales 'Designing Wind Farms in Wales'.

Analysis was also carried out by Gillespies Landscape Architects and Caerphilly County Borough Council in 2015 resulting in a landscape and capacity study on wind farm development within CCBC. Although developed before FW2040, it still has relevance to the proposed development's impact on the visual landscape.

What weight should be placed on local planning policy vs national policy and guidance for nationally significant strategic development?

The importance of LDP policy vs National policy will come down to whether the proposed development is within a pre-assessed area that is identified in Future Wales 2040 through Policy 17 which also ensures that Policy 18 is relevant even if Policy 17 applies for those areas impacted out with the pre-assessed area. The LDP will have more weight should the proposed wind farm be outside the pre-assessed area identified in policy 17 noted previously.

Please let me know if you want to discuss further,
Sorry for the late response.

Cheers
Douglas

Douglas McGlynn BSc(Arch) BArch BA(Dist) MA(Hons) RIBA

Prif Gynllunydd a Swyddog Creu Lleodedd | Principal Planner and Placemaking Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhwch wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-bost hwn. Rydym yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog (yn unol â'ch dewis), ac mewn ieithoedd a fformatau eraill. Cewch ymateb yn unol â'ch dewis iaith os nodwch hynny i ni, ac ni fydd cyfathrebu â ni yn Gymraeg yn arwain at oedi. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Caerphilly County Borough Council. Finally, the recipient should check this email and any attachments for the presence of viruses. The Council accepts no liability for any damage caused by any virus transmitted by this email. We welcome correspondence in English, Welsh or bilingually (according to your choice) or in other languages and formats. We will respond in your declared chosen language, and corresponding with us in Welsh will not lead to any delay.

###

Planning And Environmental Decisions Wales,
Welsh Government
Crown Buildings
Catheys Park
Cardiff
CG10 3NQ
By email: PEDW.infrastructure@gov.wales

From: Plas y Ffynnon
Cambrian Way
Brecon
Powys
LD3 7HP
Tel: (01874) 620431
Email: [planning.enquiries@beacons-
npa.gov.uk](mailto:planning.enquiries@beacons-
npa.gov.uk)
NPA Ref: 23/22467/FRI
Your Ref: DNS CAS-02977-Y9F1W7
Officer: Lisa Hughes
Date: 28 November 2023

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
The Town and Country (Environmental Impact Assessment) (Wales) Regulations 2017 - ("the 2017 Regulations")

Proposal: "EIA Scoping Consultation for Convatec Green Manufacturing Hub Rhymney - 3 wind turbines (approx 150m tip height) with a combined capacity of around 15MW, and approximately 5 MW of ground mounted solar PV, plus associated infrastructure. Zerp carbon electricity will be delivered."

Address: Land SW Of Convatec Manufacturing, Units 1_2 Heads of The Valleys Industrial Estate, Rhymney NP22 5RL

Thank you for writing to seek our advice on the scope of the EIA in relation to the Brecon Beacons National Park Authority's functions.

Originally designated in 1957, the Brecon Beacons National Park is internationally recognised by the International Union for Conservation of Nature (IUCN) as a Category V Protected Area and is noted on the World Database on Protected Areas¹.

The site is approximately 3km from the southern border of the Brecon Beacons National Park. The topics that have been focused on for the purpose of this response are those most relevant to the National Park, and are as follows: Landscape and Visual Impact and Historic Environment.

Landscape and Visual Impact

Study Area of the LVIA

The 45km radii is considered broadly appropriate. We note 20km has been used for landscape character consideration for the wind turbines and this is considered broadly appropriate.

Viewpoints

One viewpoint from within the National Park is proposed for inclusion in the visual assessment (Table 5-1 of the Scoping Report):

- 8 – A4059 (SO 98882 1490) Type: representative view from road in southern part of the Brecon Beacons

Consideration should be given to additional viewpoints in the Environmental Statement from:

- B4560 Beaufort Road to Llangynidr
- Mynydd Llangynidr¹: Open Access Land / Public Right of Way (The Chartist's Cave, Karst landscape and numerous Cairns and Cambrian Way attract walkers to explore this landscape) and considered of recreational importance.
- Mynydd Llangattwg² Open Access Land / Public Right of Way. There are a number of Cairns and a trig point. Some suggested locations to explore have been appended to this letter.
- The Bloreng³: The trig point is a well visited important viewpoint in the National Park.
- Pen Cerrig Calch (Cambrian Way) and Crug Hywel Camp (SAM) and Table Mountain (Cambrian Way and Beacons Way) north-west of Crickhowell and within The Black Mountains and Mountains⁴

Cumulative Effects

Are picked up within section 3.5 of the report.

Cumulative impacts will need to be accounted for in the Environmental Statement. There are a number of turbine schemes both approved and at various stages of the consenting process and whilst these may be beyond 20km, potential cumulative effects on landscape and visual matters can occur over a large radius and we are concerned with the potential for a proliferation of such schemes on the fringes of the National Park

Historic Environment

The Heritage Section identifies all of the Listed Buildings within the 10km study area that are located within the Brecon Beacons National Park.

Within the 10km search area there are no Registered Parks and Gardens or Conservation Areas within the National Park are likely to be affected.

Table 2, Appendix A identifies that Pontsarn Railway Viaduct at Vaynor and Hy Brasail may be affected, however the TVZ plan BR10167/013 goes so blurry when zooming in it is difficult to check if there are any others that may be impacted.

On the plans showing designated historic assets (BR10167-015) Pontsarn Railway Viaduct is not identified as a Grade II* listed building, but this is correct in the tables.

In terms of SAMs, Blaenavon Industrial Landscape and Archaeology we note that consultation with Cadw and GGAT will be carried out, we would defer to them as regards ASIDOHL assessment.

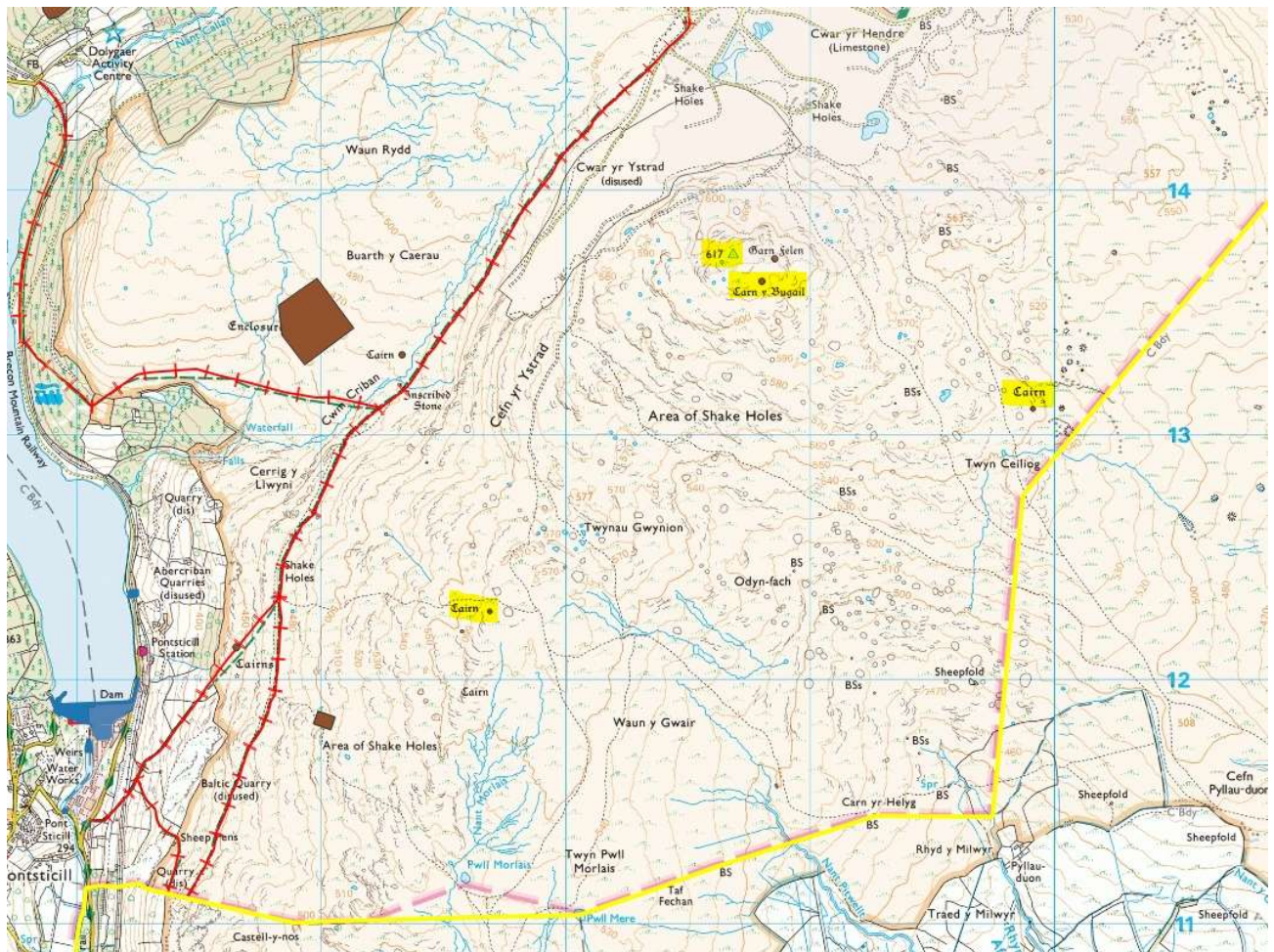
We trust the above comments are of assistance however if you wish to discuss any aspect further please do not hesitate to contact me.

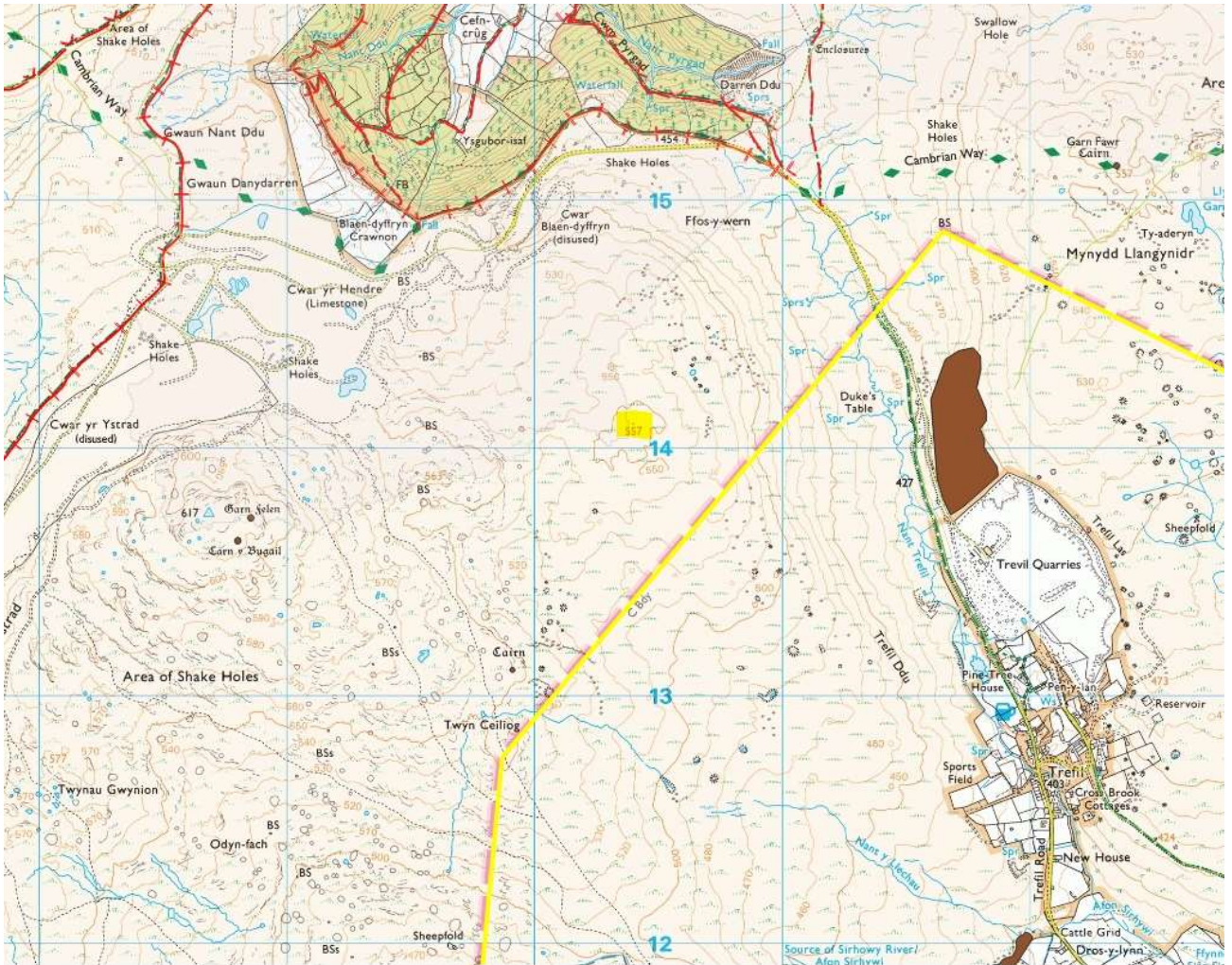
Yours faithfully,

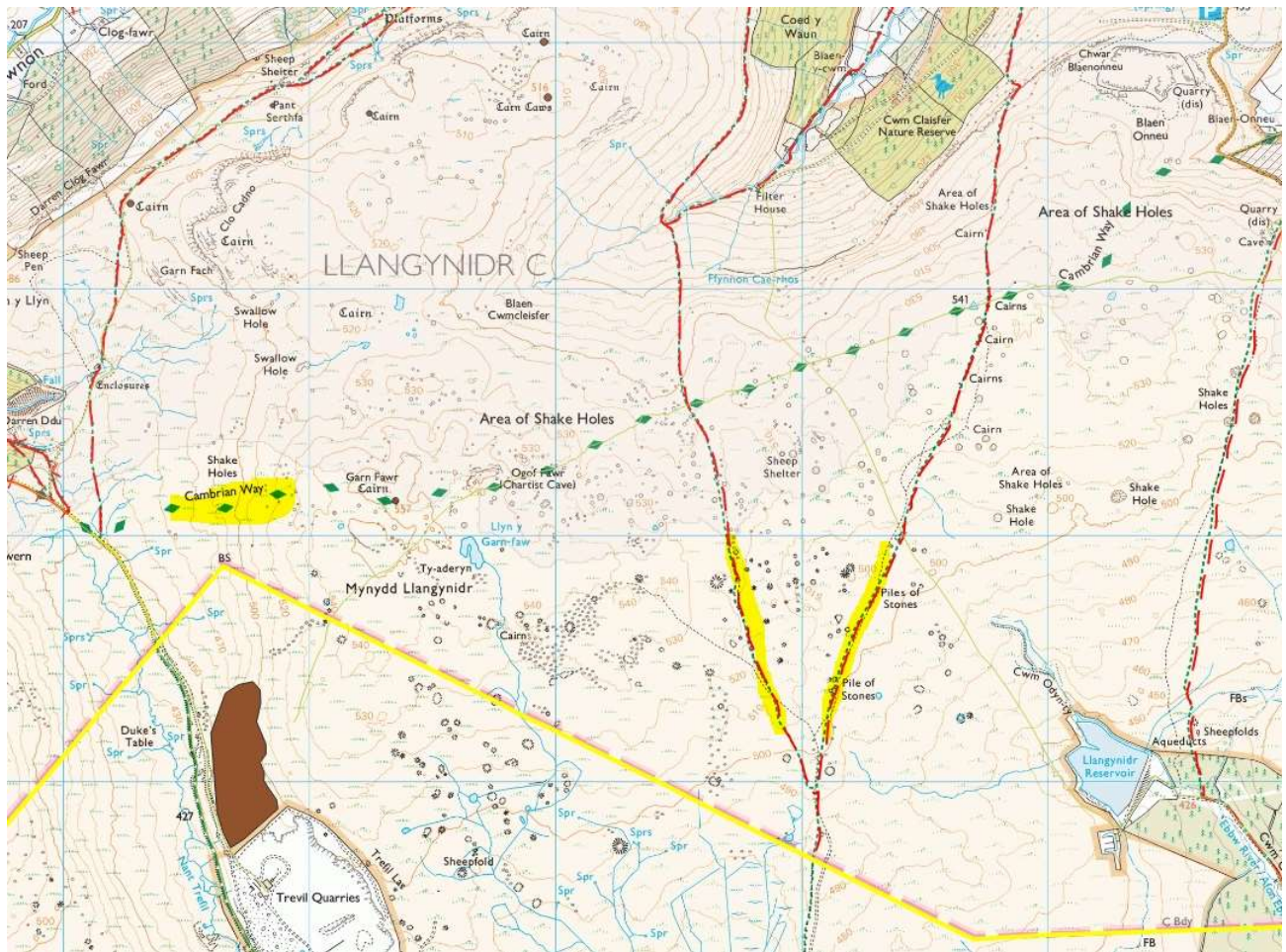


Yr ydym yn croesawu gohebiaeth yn y Gymraeg. Bydd unrhyw ohebiaeth yn y Gymraeg yn cael ei ateb yn y Gymraeg a ni fydd unrhyw gyswllt trwy gyfrwng y Gymraeg yn arwain at oedi yn y mater sy'n cael ei drin.

We welcome correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in the matter being dealt with.







T: [REDACTED]

E: [REDACTED]

Our Ref./Ein Cyf. CON/2023/0005



C Pang
PEDW
Planning and Environment Decisions Wales
Crown Buildings,
Cathays Park,
Cardiff,
CF10 3NQ

PEDW.Infrastructure@gov.wales

18th December 2023

Dear Chris,

Re: DNS CAS-02977-Y9F1W7.

Erection of three wind turbines (of approximately 150 m tip height) with a combined capacity of around 15 MW, and approximately 5 MW of ground mounted solar PV, plus associated infrastructure at land SW of Convatec Manufacturing, Units 1&2, Heads of the Valleys Ind Estate, Rhymney, NP22 5RL

I write in response to your request for advice regarding the above proposed development of national significance on land SW of Convatec Manufacturing, Units 1&2, Heads of the Valleys Ind Estate, Rhymney, NP22 5RL.

The information submitted by the applicant indicates that the proposed development would comprise of three wind turbines, expected to be approximately 150m to tip, with an installed capacity of approximately 15MW, along with a solar farm of approximately 5MW installed capacity with an assumed operational life of 30-year operational life.

The site currently consists of several fields of improved grassland, bound by a mix of scrub, hedgerows and open/featureless boundaries, on the east/south-east facing hillside adjacent to the west boundary of the Heads of the Valley Industrial Estate in the town of Rhymney, Caerphilly. The site is approximately 2km from the western boundary of Blaenau Gwent County Borough Council.

It is requested that the following matters be taken into consideration as part of the submission EIA documents:

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

In terms of surrounding designations, Mynydd Bedwellty, Rhymney Hill & Sirhowy Valley, and the Trefil and Garnlydan Surrounds, Special Landscape Areas are located within 2km and 2.5km of the site respectively. Policy ENV2 of the Blaenau Gwent County Borough Council Local Development Plan refers.

The site is also within 2.5km of the Mynydd Bedwellte Site of Importance for Nature Conservation. Policy ENV3.50 of the Blaenau Gwent County Borough Council Local Development Plan policy refers.

Although Table 3-2 of the submission identifies a number of existing and/ or approved projects, consideration needs to be given to the cumulative development implications (in both the landscape and ecological sections) of the proposal relative to a number of DNS submissions and planning applications within 3km of the site.

Proposals in the Blaenau Gwent area include the following:

- DNS CAS-02060-F3S0H4 - Wind Turbines North of Rassau Industrial Estate
- [REDACTED] NS/3239181 - Manmoel Wind Farm
- DNS/3270299 - Mynydd Carn-y-Cefn Wind Farm
- DNS/3278009 - Abertillery Wind Farm
- DNS/3273368 - Mynydd Llanhilleth Wind Farm
- DNS CAS-02504-M9J3F4 - Mynydd Bedwellte
- C/2023/0212- Installation of one wind turbine and associated infrastructure on land at Penrhiwgwaith Farm, Hollybush. Pending application.

Being mindful of the above, it is recommended that the viewpoint locations be significantly expanded to illustrate the development relative to the DNS submissions of DNS/3239181 - Manmoel Wind Farm; DNS/3270299 - Mynydd Carn-y-Cefn Wind Farm and DNS CAS-02504-M9J3F4 - Mynydd Bedwellte.

Ecology

- The recent amendments to Planning Policy Wales chapter 6, need to be taken into consideration and detailed as part of the submission.
- Red kites, kestrel and merlin have also been recorded flying over Parc Bryn Bach which is located approx. 2.5km miles to the northeast of the proposed development site. It is likely they are traversing across the wider landscape area.
- Marsh Harrier have been recorded within 500m of the application site.


- Consideration should be given to the impacts of the proposal on Parc Bryn Bach Local Nature Reserve approximately 2.5km to the east of the site which supports a variety of wildfowl including golden eye black headed gulls, herring gulls- all of which area red listed.
- The A465 corridor has historically been known to support populations of lapwing- albeit the populations have suffered serious declines in recent years.

Highways

Based on the information submitted, it is noted that the site location and associated identified access and transport implications does not impact the highway network within the jurisdiction of BGCBC as highway authority. Considering this the highway authority offers no comments.

Yours

Yours sincerely



Helen Hinton
Planning Officer

From: Foote, Adam [REDACTED]
Sent: Thursday, December 21, 2023 9:17 AM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Subject: FW: DNS CAS-02977-Y9F1W7 - Convatec Green Manufacturing Hub Rhymney | EIA Scoping Consultation [NOT PROTECTIVELY MARKED]

Dear Tanya

MTCBC have no objection/concern in respect of the proposed development however would like to alert the inspector to another DNS application within the area (3253147- Land at Gelligaer and Merthyr Common, to the north of the Heads of the Valleys) and therefore request that the potential cumulative impact of the developments is taken into consideration.

Kind regards

Adam Foote

Prif Swyddog Cynllunio / Principal Planning Officer

Ffôn / Tel: [REDACTED]

E-bost / Email: [REDACTED]

Ein cyf/Our ref: CAS-242565-K0X2
Eich cyf/Your ref: CAS-02977-Y9F1W7

PEDW (Planning and Environment Decisions Wales)
2nd Floor West
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dyddiad/Date: 18 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)
ORDER 2016 (AS AMENDED)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
(WALES) REGULATIONS 2017**

**BWRIAD/PROPOSAL: NON-TECHNICAL DESCRIPTION OF DEVELOPMENT: THE
CONVATEC GREEN MANUFACTURING HUB IS PLANNED TO CONSIST OF THREE
WIND TURBINES (OF APPROXIMATELY 150M TIP HEIGHT) WITH A COMBINED
CAPACITY OF AROUND 15MW, AND APPROXIMATELY 5MW OF GROUND MOUNTED
SOLAR PV, PLUS ASSOCIATED INFRASTRUCTURE. ZERO CARBON ELECTRICITY
WILL BE DELIVERED DIRECTLY FROM THE PROJECT TO THE RHYMNEY FACTORY
THROUGH A PRIVATE-WIRE, DISPLACING GRID SOURCED ELECTRICITY AND GAS,
AND DECARBONISING MANUFACTURING ACTIVITIES AT THE FACILITY FOR 25
YEARS**

**LLEOLIAD/LOCATION: LAND EAST OF GELLIGAER COMMON AND NORTH EAST OF
BRYN PYLLOG TIPS**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW)
about the above, which we received on 13 November 2023.

We have reviewed the document '*Convatec Green Manufacturing Hub, Rhymney - Scoping
Request Report*' produced by Wardell Armstrong, dated November 2023.

In general, the Environmental Impact Assessment (EIA) for this development should include sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme.

Evaluation of the impacts of the scheme should include: direct and indirect; cumulative; short, medium and long term; permanent and temporary; positive and negative; construction, operation and decommissioning/post operational phases and impacts on long-term site security of the nature conservation resource.

Description of the Project

Within the EIA, the proposed scheme should be described in detail in its entirety. This description should cover construction, operational and decommissioning phases as appropriate and include detailed, scaled maps and drawings. We would expect the description to include:

- The purpose and physical characteristics of the proposal
- Location, development size and configuration of the development including flexibility of the site layout
- Procedures for good working practices
- Identification of appropriate pollution contingency and emergency measures for watercourses on site
- Timing of all works and contingency plans should slippage in the programme occur
- Maintenance requirements of structures
- Arrangements for maintenance and management of any habitats within the site
- Artificial lighting requirements, including likely intensity and location of light spill on green infrastructure.

Illustrations within the Environmental Statement

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the EIA such as biodiversity.

Description of Biodiversity

The EIA must include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts.

Based on the information submitted we provide the following advice in relation to Section 5 – Landscape and Visual Impact, Section 8 – Ground Conditions, Section 9 – Ecology and Section 18 – Water Resources.

Section 5 – Landscape and Visual Impact

Our advice relates to the landscape character and visual amenity of the Bannau Brycheiniog National Park (BBNP) and its setting, and the statutory purpose of the designation to conserve and enhance its natural beauty.

The main components of the proposed development are three wind turbines with an approximate blade tip height of 150m, and approximately 5 MW of ground mounted solar PV. The site is located 2.5km south of the BBNP and is within the visible setting of the BBNP. The proposed turbines are located outside of a Pre-Assessed Area (PAA) for Wind Energy in Future Wales: The National Plan 2040 (FW). In line with FW Policy 18, the proposals should not have an unacceptable adverse impact on the surrounding landscape, particularly on the setting of the BBNP, and cumulative impacts must also be considered.

Paragraph 5.4.1 states that following a review of the Zone of Theoretical Visibility (ZTV), a 20km study area is proposed for the LVIA of the wind turbine development. We advise 20km is at the lowest limit of the recommended study area for structures between 146m to 175m tall. The submitted ZTV shows areas of visibility within the Black Mountains and Fforest Fawr that are close to but beyond 20km. As part of the preliminary assessment and site survey, we recommend these areas are also considered for inclusion within the final LVIA study area. **Paragraph 5.4.1** also states that a 5km study area will be used for the LVIA of the proposed solar PV development. We advise this is appropriate and note it includes land within the BBNP.

Paragraph 5.8.1 states that the cumulative assessment (CLVIA) will be carried out in accordance with the principles contained in NatureScot's *Assessing the Cumulative Impact of Onshore Wind Energy Developments (March 2012)*. We advise the latest guidance was published in March 2021.

Paragraph 5.8.2 states that the CLVIA proposes to use the same 20km LVIA study area. We advise that CLVIA study areas are typically larger than LVIA study area, as they must capture all developments with the potential to impact significantly on landscape and visual receptors through interactions with the proposed development, and these 'other' developments may be located outside of the LVIA study area. The CLVIA study area must therefore be large enough to capture these potential interactions. We advise cumulative ZTVs should be prepared to inform and justify an appropriate CLVIA study area, and these may be refined for the CLVIA.

Paragraph 5.2.13 states that impacts on designated landscapes will be considered as part of the LVIA. We advise the LVIA should include an assessment of the effects on landscape character within different landscape character areas (LCAs) across the BBNP and the special qualities within these areas. Special qualities of the BBNP are set out in *Y Bannau: The Future - the Bannau Brycheiniog National Park Management Plan 2023-2028*. An understanding of these headline qualities should be supplemented by evidence contained in the *Bannau Brycheiniog National Park Authority's Landscape Character Assessment, 2012*, LANDMAP, and other resources such as:

- NRW Report 569 Tranquillity and Place and the accompanying online StoryMap for visually tranquil places ([Tranquillity and Place \(arcgis.com\)](#))
- NRW Report 514 Tranquillity and Place – Dark Skies and online StoryBoard for the dark skies mapping undertaken in 2021. [Wales Dark Skies \(arcgis.com\)](#)

The list of proposed viewpoints set out in **Table 5-1** is inadequate for LVIA purposes. Regarding the assessment of impacts on the BBNP, the viewpoint selection is inadequate because:

- It only includes one viewpoint (VP) within the designation (VP 8).
- This is located on the A4059 and is therefore primarily representative of road users.
- With reference to the ZTV, this VP appears to be located in an area with little or no visibility of the proposed development (either the wind turbines or solar PV).
- The VP would not represent the type of views available from more elevated locations and summits within the BBNP.

The LVIA should include a greater number and wider geographical spread of viewpoints to capture the different visual impacts which are expected across the BBNP. The viewpoints should represent different receptors, including users of the public rights of way network, promoted routes, summits, and locations valued for their tranquillity which may include open access land. These receptors relate fundamentally to the purposes of the designation and must be considered.

Due to the map extent and low resolution of '*Screened Zone of Theoretical Visibility (45km Study Area)*', produced by Wardell Armstrong, reference BR10167/013, dated 31st October 2023, the results of the analysis are difficult to read. It has therefore not been possible to make specific recommendations for viewpoint locations. Based on the coarse areas of visibility shown on the ZTV, we advise potentially relevant viewpoint locations within the following LCAs, include:

- LCA 3. Fforest Fawr, such as Fan Fawr.
- LCA 7. Central Beacons, such as the summits around and possibly including Pen y Fan.
- LCA 8. Talybont and Taff Reservoir Valleys, such as Garn Ddu.
- LCA 9. Mynyddoedd Llangatwg and Llangynidr, such as Trig points at Cefn yr Ystrad and Mynydd Llangynidr. The latter is also crossed by the Cambrian Way.
- LCA 13. The Black Mountains, such as Pen Cerrig-calch.

Whether there are any viewpoints within the BBNP which may be impacted by the solar PV proposals should be confirmed within the LVIA.

As evidenced in the submitted ZTV, the turbines would be visible across the BBNP. This is due to their height (150m) and proximity to the BBNP (2.5km). At certain locations, potentially including the viewpoints above, it is expected the turbines would not be seen in the context of their immediate urbanised setting but instead seen from, and in the context of, landscapes protected for their outstanding sensory and perceptual qualities. In this context, the proposals are likely to impact on the natural beauty of the BBNP and its special qualities.

In response to this concern, and to evidence whether turbines in this location can be accommodated in an acceptable way, we recommend the applicant gives particular attention to the height of the turbines and examines the potential impacts of different turbine heights - as well as the number, siting and layout - relative to receptors within the BBNP. This

analysis should be evidenced as part of the EIA consideration of alternatives and the explanation of the scheme's design evolution.

Design guidance prepared to support FW Policies 17 and 18 is set out in *Designing for Renewable Energy in Wales, Design Commission for Wales, November 2023*. This recognises the importance of landscape informing the design of large-scale renewables, and states '*Landscape should be the leading consideration in this process and not merely follow on in the form of 'landscape mitigation' of a predetermined engineering proposal and technical appraisal*' (page 19). As set out in Planning Policy Wales (5.9.21), '*low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures*' which we advise include the number, siting, and layout/arrangement of turbines. Additional, and more comprehensive design guidance is provided in the NatureScot *Siting and Designing Wind Farms in the Landscape Guidance, 2017*.

Paragraph 5.5.2 states that wireframes and photomontages will be used to consider and illustrate changes to views. We advise viewpoints within the BBNP should be used to prepare cumulative wireframes, wireframes, and photomontages. At 150m, the turbines would require aviation lighting. A night time photomontage should be included from within the BBNP and the LVIA should include an assessment of the impacts on dark skies within the BBNP and its status as an International Dark Skies Reserve.

Our comments above respond to the relevant Questions for Consultees in Section 5 of the Scoping Report.

Section 8 – Ground Conditions

We note that **Section 8.3** sets out the baseline conditions that will be used to inform the EIA. We recommend that the investigations, assessments and documents listed below are included to inform the EIA:

- Phase 1 desk study for historical land use of the site to determine the extent of potential contamination of the soil and groundwater at the site
- Water Feature Survey with a radius of 300m
- Construction Environmental Management Plan (CEMP)

Section 8.5.3 states that a Phase 1 Ground Conditions and Contamination Desk Study report will be prepared. We recommend that the developer should:

- Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#)
- Refer to '[Land Contamination: a guide for developers](#)' (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our [groundwater protection](#) advice on www.gov.uk

Section 8.2.10 states that there are no records of surface water features directly on the site. We advise that the developer undertake a preliminary site assessment, which should include the following:

- Identification of all water features both surface and groundwater (ponds, springs, ditches, culverts etc.) within a 300 metres radius of the site.
- Use made of any of these water features, including the construction details of wells and boreholes and details of the lithology into which they are installed.
- An indication of the flow regime in the spring or surface water feature, for example whether or not the water feature flows throughout the year or dries up during summer months.
- Accessibility to the spring/well.

This information should be identified on a suitably scaled map (i.e. 1:10,000) and tabulated. We advise that each of the identified water features is photographed during the survey.

Based on the results of the survey, the applicant should assess the likely impacts from the development on both quantity and quality of the surface water and groundwater. This should take into consideration both the preferred methods of construction and the assumed hydrogeology in the vicinity of the development.

We may require identified groundwater features to be monitored during the proposed workings. We would therefore recommend that the survey be undertaken as soon as possible to enable the developer to carry out suitable baseline monitoring prior to the commencement of workings at the site.

Generally, solar panel installations require cables to connect to the network. The Environment Agency "[Approach to Groundwater Protection](#)" (adopted by NRW) position statement C5 states the elements to consider if cables are fluid filled.

Section 8.5.5 states that a Construction Environmental Management Plan (CEMP) will be prepared. We recommend that CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and

vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.

- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

Our comments above respond to the relevant Questions for Consultees in Section 8 of the Scoping Report.

Section 9 – Ecology

We note that **Section 9.3.2** states that a Phase 1 habitat and NVC survey were completed in August 2023, which is welcomed.

We advise that the site and where necessary land adjacent to the site is subject to assessment to determine the likelihood of protected species being present and affected by the proposals. Targeted species surveys should be undertaken for all species scoped in which:

- i. are undertaken by qualified, experienced and where necessary, licensed ecologist(s) and,
- ii. comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the EIA.

Bats

In general we advise that the application is supported by up to date bat surveys of the site in accordance with:

- Bats and Onshore wind turbines – survey, assessment and mitigation by Nature Scot dated August 2021; [Bats and onshore wind turbines - survey, assessment and mitigation | NatureScot](#)
- Bat Surveys for Professional Ecologist: good Practice Guidelines (4th Edition) by Bat Conservation Trust dated 2023. [Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition - Guidance for professionals - Bat Conservation Trust](#)

We note that **Section 9.10.2** states that there were no features identified that have potential to support roosting bats. We advise that clarification is provided as to whether these features include any trees within scrub or hedgerows bordering the site. If there are trees with potential to support roosting bats within the boundary vegetation, we advise that these should be subject to climbed, endoscope inspections.

Great Crested Newts

We note that the nearest waterbodies are located 100m north of the site and 600m south of the site, and **Section 9.10.1** states that the site itself comprises mainly fields of improved grassland with some marshy grassland. Grassland restoration could be undertaken as a biodiversity enhancement measure to increase the diversity of wildflowers present.

Section 9.12.1 states that surveys for invertebrates and amphibians were scoped out. In order to comment further on the proposals to scope out amphibian surveys, we advise that further information is provided to:

- clarify that the waterbody 100m north of the site refers to the Bute Reservoir;
- describe the Nant Carno brook and the likelihood of it acting as a barrier to dispersal of amphibians.

Section 9.12.3 states that a buffer of 50m will be applied between works and watercourses. We advise that should there be any changes to the buffer zone (particularly regarding the solar panels), it may be necessary to scope invertebrates in due to the potentially damaging impacts of the attraction of aquatic insects to panels in countryside near watercourses.

Otters

Section 9.12.4 states that terrestrial mammal surveys were scoped out. With the presence of watercourses within and close to the boundary of the site, we advise that the application includes a thorough consideration of the use of the site by otters both for resting places and for dispersal between river catchments, with surveys across the year to establish any seasonal pattern of use.

Impact Assessment

Should protected species be confirmed, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified. We advise comprehensive descriptions of the habitats affected are included to support robust conclusions about their significance for the species.

We advise that EIA considers significance (both alone and in combination) and where applicable conservation status. In respect of conservation status, we advise consideration be given to the current conservation status of the relevant species. The EIA must demonstrate that there will be no detriment to maintenance of favourable conservation status (FCS) of the species during construction, operation and where relevant decommissioning phases of the scheme.

Where proposals implicate protected species which are also notified features of designated sites (e.g. SAC, SSSI), we advise that the EIA considers the impacts on those species from both perspectives.

We advise that the EIA sets out how the long term site security of any mitigation or compensation will be assured, including management and monitoring information and long

term financial and management responsibility. Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the EIA.

We advise that the impacts of the proposals on bats are assessed using the Ecobat tool (currently hosted by the Mammal Society).

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The EIA must include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended).

EPS Licence

Where a European Protected Species is present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- (a) It satisfies an appropriate derogation or licencing purposes, which in the case of development is most likely to be preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (b) There is no satisfactory alternative and
- (c) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

These requirements are also translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The local planning authority will take them into account when considering the EIA where a European Protected Species is present.

Local Biodiversity Interests

We recommend that the developer consults the local authority ecologist on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and are that are considered important for the conservation of biological diversity in Wales.

We note the presence of Cefn Gelligaer, West of Deri SINC directly to the South of the site boundary. We advise that the applicant consult with Caerphilly County Borough Council if they have any concerns or requirements as the manager of that designated site.

We would expect the developer to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

We advise that the development incorporates robust green infrastructure that will remain unlit to allow protected species (particularly bats and otters) to continue to inhabit the site and move through it. Developments should be designed to incorporate robust green infrastructure corridors.

Selection of species subject to the scope of the EIA to be informed by the table in Annex 1.

Securing Biodiversity Enhancement

We also advise that, in accordance with the Environment (Wales) Act 2016 and Planning Policy Wales, the application demonstrates how it can deliver biodiversity enhancements and thus contribute to promoting ecological resilience. This is reaffirmed in the Welsh Government letter of 23/10/19 to all Chief Planning Officers.

Legislation and Policy Compliance Review

We advise that provisions of the EIA audit compliance in respect of relevant nature conservation legislation (UK and Wales) together with relevant local and national policies including BS 42020:2013.

Questions for Consultees in Section 9 of the Scoping Report

- *Do consultees agree that the scope of ecological and ornithological desk study and field surveys undertaken is sufficient and appropriate to inform an assessment?*

In respect of protected species, desk study records within 2km will generally be helpful but consideration should also be given to the presence of records in the wider catchment for species, such as otters, which may have a larger home range and travel considerably further. In relation to ornithology, given the nature of the habitats on site, yes.

- *Do consultees agree with the approach (including methodologies followed in the absence of Welsh-specific guidance) to field surveys and desk study proposed?*

We have advised above on relevant guidance.

- *Are there any other relevant consultees/key sources who should be contacted with respect to baseline ecological and/or ornithological information gathering and assessment?*

See above comments.

- *Do consultees agree with the surveys, and features for assessment, scoped out?*

See comments above re: otters.

We await further information to comment further on amphibian surveys.

- *Does NRW have any up-to-date information on the red kite population within Caerphilly?*
No.

- *Does NRW have a list of those wind farm developments (and any other major development) which should be considered as part of the cumulative assessment, and*

any recommendations on the distance from the Site that these should be considered out to?

We advise the applicant liaises with PEDW and the relevant local planning authority for details of wind farms consented/in the planning system.

- *Do consultees have any recommendations on biodiversity enhancement measures that they feel should be considered as part of the habitat management plan for the proposed development?*

We advise that it is difficult to comment at this early stage in the absence of further information describing the ecological interest of the site. However, we advise that the enhancement measures which are proposed should seek to avoid bringing bats closer to the wind turbines.

Section 18 – Water Resources

Section 18.2 sets out the baseline conditions that will be used to inform the EIA. We note that there are several small watercourses on site and their potential connections, with a relatively direct pathway to the Rhymney, a main river regulated by NRW, which are:

- Unnamed drain from the site is culverted directly into the Rhymney from SO1049608332 to SO1079408316.
- Nant Llesg discharges directly to the Rhymney at SO1097907863
- Nant Carno (to the North of the site) drains to the Rhymney (via a culvert) at SO1075408504.

Section 18.6.4 states that mitigation measures will be designed to avoid, reduce or offset potential adverse effects. We advise that these potential pollution pathways should be the focus of any mitigation strategies. The provision of a pollution prevention plan, surface water management plan and emergency spill/procedure plan are highly advised. Additionally, details on material and chemical storage should be provided and the safeguards to be put in place to ensure they are not the source of a pollution incident.

The site is within a relatively low flood risk zone, however, water management plans should consider the effect that changes in runoff regimes may have and calculate methods in which to manage surface water responsibly without causing, contributing or exacerbating any flood risk areas.

We agree that a WFD assessment can be scoped out of the report, as the nearest WFD waterbody (Nant Bargoed) sites is approximately 1,230m south of the site, with no direct connections or pathways.

Questions for Consultees in Section 18 of the Scoping Report

- *Is the proposed methodology considered acceptable?*

Yes, provided that appropriate mitigation measures are used and the above advice and guidance is followed.

The report indicates that flood risk will be considered through the submission of a Flood Consequence Assessment (FCA) due to the site being over 1ha in area, which is welcomed. Any assessment of flood risk should demonstrate how flood risk will be managed now and over the lifetime of the proposed development. Additionally, the FCA should assess the risk and consequence posed by the proposed development to ensure it does not increase flood risk elsewhere.

- *Are there any known Private Water Supplies within or close to the Site?*

The only asset to be aware of is a DCWW potable water pump station to the West of the site at SO0937808351. We advise that the locations of private water supplies will be held on the local authority private waters supply register.

- *Question 3: Are there any known incidents of flooding within the site?*

Our records show there are no known flooding incidents within the site, but there are some records downstream on the Rhymney which should be considered. Other sources such as the Lead Local Flood Authority (LLFA) may hold further information in this regard.

There is some flood risk from reservoirs, surface water and rivers listed for the site which can be seen via the flood risk map on the NRW's website. Any changes in flow from site has the potential to change the flood regime. A SuDS should be implemented for long term site water management.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Ryan Rees

Cynllunio Datblygu Cynghorydd / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Planning and Environment Decisions Wales

Sent by email.

Eich cyfeirnod
Your reference**DNS CAS-02977-Y9F1W7**Ein cyfeirnod
Our referenceDyddiad
Date

7 December 2023

Llinell uniongyrchol
Direct line

0300 025 6007

Ebost
Email:Cadwplanning@gov.wales

Dear Sir / Madam

Convatec Green Manufacturing Hub, Y Rhymney. REF: DNS CAS-02977-Y9F1W7

Thank you for your email asking for Cadw's view on the above.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Advice

This advice is given in response to scoping opinion as to the contents of an Environmental Impact Assessment (EIA) that will be submitted in support of an application for the Convatec Green Manufacturing Hub Rhymney.

A scoping report produced by Wardell Armstrong has been submitted with the scoping request. Chapter 7 of this report considered the scope of the Historic Environment chapter that will be included in the EIA.

Section 7.9 of the scoping report sets questions for consultees in regard to the historic environment: -

• Is there agreement on the historic assets, as listed within Table 2, Appendix A to be taken forward for detailed assessment within the Heritage Impact Statement that would support the ES Chapter?

We agree that these are the historic assets that should be considered in the EIA.

• Are there any additional historic assets that would be required to be taken forward for detailed assessment beyond the parameters specified above?

No

• Based on the baseline data presented, do you agree that pre-determination archaeological fieldwork will not be required?

No. It is not possible to determine if pre-determination archaeological fieldwork will be required from the information included in the scoping report and before the completion of the Archaeological Desk-based Assessment (ADBA). No methodology for the investigation of the site to discover unrecorded archaeological features are given in the scoping report. It is assumed that this will include reviews of the LIDAR evidence and field visits and will be carried out in accordance with the standards and guidance set by the Chartered Institute for Archaeologists. Once the ADBA has been completed Cadw and GGAT should be consulted to determine if pre-determination archaeological fieldwork will be required.

• We anticipate that consultation with Glamorgan-Gwent Archaeological Trust (GGAT), Cadw, and the local Conservation and Design Officer will be required. Are there any further consultees that would need to be consulted as part of the assessment?

It is suggested that the information contained in the National Monuments Record is checked to ensure that there are no sites included in it that are not entered on the Historic Environment Record.

• Will an ASIDOHL assessment be required and, if so, what areas should be included within the assessment?

An ASIDOHL will not be required as the site is not inside the boundaries of the Registered Historic Landscapes. The impact on the settings of the Registered Historic Landscapes and the World Heritage Site should be assessed using the methodology given "The Setting of Historic Assets" (2017).

The Historic Environment (Wales) Act 2023 will be enacted during 2024 before the application is submitted. Consequently, the legislation quoted in section 7.2 of the scoping report will need to be reviewed and updated before the completion of the EIA.

Yours sincerely

Nichola Smith
Historic Environment Branch
Cadw



Yr Adran Newid Hinsawdd / Department for Climate Change.

Ref: DNS/ CAS-02977-Y9F1W7

Chris Pang
Student Planner
Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Via Email: PEDW.Infrastructure@gov.wales

13 December 2023.

Dear Chris Pang,

Re: Scoping Direction Consultation Response - CAS-02977-Y9F1W7 Convatec Green Manufacturing Hub Rhymney

In reference to the email of 13th November from PEDW consulting the Department on the above Scoping Direction request, the Department offers the following response for your consideration with regard to the use of soil and peat resources.

For the Department, the main issues likely to be significantly affected by the development are:

- The protection of peat resource
- Maintaining soil services and functions
- Beneficial restoration and after use of site

1. Context and Background:

Mineral, organo-mineral and peat soils are finite and provide crucial ecosystem services to Wales. These services include food, fibre, water and important contributions to climate regulation, biodiversity and protection from natural disasters. The Natural Resources Policy (NRP) requires that we sustainably manage our soil resource, to build resilience and maintain the soils functions and ecosystem services our soils provide.

2. Policy Context:

The Department has examined the Scoping Request Report and consider the policies and guidance below are also applicable to this development in determining significance: -

- DCPO letter and Updated Chapter 6 of PPW – published with immediate effect on 18th October 2023¹.
- Policy 9 of the National Development Framework (NDF) – Future Wales² highlights soil carbon, biodiversity hotspots / networks, natural flood management and upland habitats as national natural resources. These national natural resources exist as a direct result of the presence of peat soils.
- Policy 17 of Future Wales - states ‘all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment’.
- Policy 18(11) of Future Wales – sets out the need for acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
- Schedule 5 of Town and Country Planning Act 1990 (as amended)
- Paragraph 6.4.3 (bullet 4) of Planning Policy Wales³

3. Peatland:

The Department considers the definition of peatland to be used for assessment is as published in the National Peatland Action Programme (NPAP) as noted below. This should also include any transitioning shallow peaty soils integral to the hydrological functioning of peat bodies (on site or adjoining). The EIA assessment and application will need to acknowledge that peatlands function as an ecosystem, and arbitrary depth thresholds do not consider shallow peaty soils that are integral to the hydrological functioning of wider peat bodies: “Peat soils are defined by the Soil Survey of England & Wales as:

- more than 40 cm of (O horizon) material within the upper 80cm, excluding fresh litter (L) and living moss; or
- more than 30 cm of organic (O horizon) material resting directly on the bedrock (R or Cr) or extremely stony material; and,
- no overlying non-humose material mineral horizon that has a colour value of 4 or more and extends below 30cm depth.”

Development and loss of peatland is contrary to the recent update to Chapter 6 of PPW, in respect of the ‘Step-wise approach’ (irreplaceable habitats including the natural resources which underpin them) and the new peatland paragraph at 6.4.20. The priority now given to peatlands reflects their significance in respect of safeguarding ecosystem resilience and ecological networks and in addressing the Nature and Climate Change Emergencies in Wales.

4. Baseline information:

¹ <https://www.gov.wales/addressing-nature-emergency-through-planning-system-update-chapter-6-planning-policy-wales>

² <https://gov.wales/future-wales-national-plan-2040-0>

³ <https://gov.wales/planning-policy-wales>

The depth, condition, and distribution of the peatland resource (within the red-line boundary is expected to be clearly identified and evidenced. As defined above, this should include any shallow peat soils supporting the hydrological functioning of peat habitats (on site or adjoining).

A robust baseline is required to inform the ES and the green infrastructure assessment as outlined in the updated PPW Chapter 6 (date). The assessment should inform options for all infrastructure siting and working area, to ensure that peatland and impacts to hydrological functions can be adequately assessed.

Location and extent of mineral, organo-mineral and shallow peat (where not integral to the functioning of a peat body) soils on site and their physical characteristics is also required to assess potential impacts and inform decisions on all infrastructure locations including the restoration and beneficial after use. It is noted in section 10.2.4 that 'organic soils may be present across the site and peat may also occur' these therefore should be confirmed. The preparation of a constraints map to advise the design phase is recommended. The map should take account of the advice above and be supported by field survey information in the ES.

The volumes of each peaty and mineral soil unit that will be excavated for any on site infrastructure should be clear and based on survey evidence. For all infrastructure information should be provided on the current condition of the site, sufficient to clearly demonstrate that resources are available to put in place the appropriate standard of reclamation.

5. Agricultural Land Classification (ALC)

The Predictive ALC map is referenced in paragraph 10.1.3 as showing the Site as Grade 5 agricultural land. The Department agrees with this assessment as an accurate reflection of land quality on the site. As per [published departmental guidance](#) (see survey decision flowchart on page 2 in the link), a detailed ALC field survey is not required and the Predictive Map grade (5) can be taken as best available information. The Department does not consider BMV land to be present at this site, therefore PPW paragraph 3.58 and 3.59 (BMV policy) would not apply.

Figure 10.1 Predictive ALC (1:250,000) ALC data refers to the scale 1:250,000 from the 'Provisional' Series maps which have been replaced by Version 2 (released 2020) of the Predictive Agricultural Land Classification (ALC) Map and utilises detailed mapping scales of 1:25,000; 1:50,000; and, 1:63,000.⁴

6. Soil Management Scheme

A soil management scheme should be prepared by the developer, informed by a baseline soil resources and physical characteristics report, and be considered as part of the ES process. This should be a clear scheme and programme setting out how all soils and their functions will be conserved and reinstated at decommissioning.

The Scheme should be presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility, and should include: -

- Soil stripping programme - volumes and types of soils affected;

⁴ [New map | DataMapWales \(gov.wales\)](#)

- Soil handling techniques and procedure;
- Size, location, construction, management and period of soil storage dumps;
- Proposed after use and restoration programme, including techniques and aftercare programme.

A detailed scheme will support the ES process in considering: -

- Reasonable alternatives considered for the proposal;
- Potential impacts of the development and demonstrate how the proposal will not have an unacceptable adverse impact on the environment (in this case the peatland and soil resource);
- The feasibility and how effective restoration and beneficial after use can be achieved;
- How the proposal will maintain the resilience of national natural resources and avoid the loss of function and services provided by the peatlands and soils.

The advice expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above comments are clear and unambiguous. I would welcome further discussion if you consider this helpful.

Yours sincerely

Helen Porter

Agricultural Land Use & Soil Policy Advisor

LQAS@gov.wales

Pridd, Mawndir a Chynllunio Defnydd Tir Amaethyddol / Soil, Peatland & Agricultural Land Use Planning
Is-adran Tirweddau, Natur a Choedwigaeth / Landscapes, Nature and Forestry Division
Yr Adran Newid Hinsawdd / Department for Climate Change
Llywodraeth Cymru / Welsh Government



The Coal
Authority



INVESTOR IN PEOPLE



RTPI

Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Chris Pang – Student Planner
Planning and Environment Decisions Wales

[By Email: PEDW.Infrastructure@gov.wales]

8th December 2023

Dear Chris

RE: DNS/CAS-02977-Y9F1W7 EIA Scoping Direction – Proposal for three wind turbines (of approximately 150m tip height) and approx. 5MW of ground mounted solar PV, plus associated infrastructure - Convatec Green Manufacturing Hub, Heads of the Valleys Industrial Estate, Rhymney, NP22 5RL

Thank you for your notification received on the 13th November 2023 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that there are 34 mine entries within the site and a further 7 mine entries within 20m of the site boundary. We hold no treatment details for the majority of these mine entries, which are a mix of shafts and adits. The site is also in an area of shallow coal workings and is within the boundary of a site from which coal has been removed by surface mining methods. These features pose a potential risk to surface stability and public safety.

The submission is supported by a Scoping Request Report, dated November 2023 and prepared by Wardell Armstrong. It would appear from a review of the indicative layout indicated on Drg No. 002, included in the Scoping Report, that the wind

turbines may lie outside of areas where mine entries are present, we would hope that this is the case. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The solar panels are however indicated in an area where mine entries are present. We would encourage any layout of the solar panels to take account of the best plot positions of the mine entries in this part of the site, following a positional review of these features from source data, and for mine entries and their zones of influence, to remain devoid of panels or associated equipment.

We note that the Scoping Report acknowledges that land instability issues arising from past coal mining activity may pose a potential risk to the development. We are pleased to see that the authors of this report confirm that they intend to produce a Phase 1 Ground Conditions Desk Study and Coal Mining Risk Assessment for inclusion within the ES to support any formal submission. We concur with this approach.

I hope this is helpful but please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely


Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Principal Planning & Development Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: Tuesday, December 12, 2023 8:59 AM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Subject: RE: DNS CAS-02977-Y9F1W7 - Convatec Green Manufacturing Hub Rhymney | EIA Scoping Consultation [SG36472]

Our Ref: SG36472

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Public

Mr Chris Pang
PEDW
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Date: 27/11/2023
Our Ref: PPA0008408

Dear Mr Pang,

Grid Ref: 310090 208173

Site Address: Land SW of Convatec Manufacturing, Heads of the Valleys Rhymney, Caerphilly

Development: The Convatec Green Manufacturing Hub is planned to consist of three wind turbines (of approximately 150 m tip height) with a combined capacity of around 15 MW, and approximately 5 MW of ground mounted solar PV

We refer to your Scoping Direction, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, for the purposes of an application for Convatec Green Manufacturing Hub three wind turbines under The Developments of National Significance (Procedure) (Wales) Order 2016. We welcome the opportunity to comment on the proposal and would offer the following standing advice which should be taken into account within any future application:

APPRAISAL

Firstly, whilst we have no comments on the scoping opinion itself, it appears the application does not propose to connect any foul water flows to the public sewerage system, and therefore Dwr Cymru Welsh Water has no objections in principle. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

Whilst it appears the application does not propose to connect to the public watermain system, we would advise that the access road to our Ffos y Fran Water Pumping Station and located in the northwest corner of the site must not be disrupted and access is required in perpetuity.

Our strong recommendation is that your site layout takes into account the location of the assets and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application. For information as to our requirements the developer should contact us on 0800 917 2652. Further information regarding Asset Protection is provided in the attached Advice and Guidance note.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Caerphilly County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Furthermore, having reviewed the site location and information available to us, we would also advise that the site does not fall within our drinking water catchment and there are no concerns from a water resources perspective.

I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application. I also attach copies of our water and sewer extract plans for the area, and a copy of our Planning Guidance Note which provides further information on our approach to the planning process, making connections to our systems and ensuring any existing public assets or infrastructure located within new development sites are protected.

Please note that our response is based on the information provided in your enquiry and should the information change we reserve the right to make a new representation. Should you have any queries or wish to discuss any aspect of our response please do not hesitate to contact our dedicated team of planning officers, either on 0800 917 2652 or via email at developer.services@dwrcymru.com



Welsh Water is owned by Glas Cymru – a not-for-profit company.
Mae Dwr Cymru yn eiddo i Glas Cymru – cwmni nid-er-elw.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Owain George
Planning Liaison Manager
Developer Services

Please Note that demands upon the water and sewerage systems change continually; consequently, the information given above should be regarded as reliable for a maximum period of 12 months from the date of this letter.

PPA0008408

Conditions For Development Near Water Mains

Location: **Land SW of Convatec Manufacturing, Heads of the Valleys Rhymney, Caerphilly**
Date: 27.11.2023

The development of the site with our water main located as shown on the attached plan will involve certain conditions which must be strictly adhered to. These are: -

1. No structure is to be sited within a minimum distance of **5.05 metres** from either side of the centre line of the 2 x 280mm water mains located in the access road to our Fros Y Fran Water Pumping Station. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.
2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.
3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.
5. The existing ground cover on the water main should not be increased or decreased.
6. All chambers, covers, marker posts etc. are to be preserved in their present position.
7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
8. No work is to be carried out before this Company has approved the final plans and sections.

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.

PLANNING AND NEW DEVELOPMENT

Pre-Planning Advice & Next Steps



Dŵr Cymru Welsh Water has a key role to play in the town and country planning process as the services provided are at the forefront of public health and protection of the environment.

Our engagement in the planning process allows us to ensure that we can suitably service new development from a clean water and sewerage treatment perspective, but also provides us with the controls to enable us to mitigate any potential negative impact that new development is likely to have on the performance of our infrastructure, the service we provide to customers, and the wider environment. Crucially, the planning process also enables us to identify where new development and growth is planned so that we are able to target investment in our existing infrastructure within these areas.

Our Pre Planning Advice to you

You have now received our pre-planning advice which will provide you with information regarding the impact of your proposed development upon our assets and apparatus. Our letter will advise whether the local network can support the proposal, whether off-site water mains and/or sewers will need to be provided, and whether there are any apparatus located within the land you wish to develop and the requirements for these apparatus.

However, in some circumstances we may require further information from you to fully evaluate the impact of your development. If this is the case please proceed to submit the required detail as requested in the letter. Upon receipt of the

information we can consider our position and provide you with an updated pre-planning response.

Please note that the advice provided is valid for a period of 12 months from the date of issue and will help us inform our response to the planning application for the development.

Next Steps....

You may now be proceeding to submit your planning application to the Local Planning Authority. Our preference is to see that drainage matters are resolved at pre-planning stage which will allow us to provide positive comments at planning consultation stage. In light of our pre-planning advice to you, it may therefore be in your interest to:

- Consider the drainage requirements and how the installation of new water mains/ sewers shapes the layout of your development. You will need to ensure that the design of the drainage layout will (where relevant) meet the appropriate standards for formal adoption by us (see further advice provided overleaf regarding Connecting to our Networks)
- Consider how your site layout ensures that any assets/ apparatus that may be located at the site are protected in line with the requirements set out in our letter
- Submit further information and/ or drainage plans so that we can review your proposal in greater detail
- Where further assessments are recommended, to commission those before the planning

application is submitted to avoid any delays (see further advice provided overleaf on Network Modelling/WwTW Feasibility Studies)

- Provide a copy of our pre-planning enquiry response to the Local Planning Authority as part of your planning application submission to demonstrate you have considered drainage aspects of your development at pre-application stage, and that we are aware of your proposal.

Our Involvement in the Planning Application Process

We provide Local Planning Authorities with advice on the ability of our assets to accommodate proposed development. Our comments are crucial in providing comfort to the Local Authority that new development sites can be effectively drained and can be supplied with clean water.

When sites can be accommodated in our networks we will recommend drainage related planning conditions which may seek to control the point of communication with our networks and the type of discharges that we may permit. We may also recommend conditions to secure the submission of further details, such as drainage plans and strategies (please note that we will resist the physical communication to our networks until drainage related conditions have been discharged)

However, there are instances where further assessments are required and we will seek to work collaboratively with you and the Local Planning Authority to establish a positive outcome for all parties.

PLANNING AND NEW DEVELOPMENT

General Advice and Guidance

Our pre-planning response will provide advice dedicated to your development. However, we also offer the following general advice around drainage matters and communicating to our networks.

Managing Surface Water at your Development Site

As with all new development sites, you will need to consider how to deal with the surface water runoff from new buildings and hard standings. Traditionally, surface water has been managed by installing new pipes and large storage tanks to take flow away from land as quickly as possible. However, Dŵr Cymru actively encourage the use of Sustainable Urban Drainage Systems (SUDS), which is an approach to managing surface water run-off by imitating natural drainage systems and retaining water on or near the site.

SUDS involve a range of techniques including green roofs, rainwater harvesting, permeable pavements, etc. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity. The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles. Good justification would be required not to incorporate a SUDS scheme on the site.

All new developments will therefore be expected to consider surface water management techniques and

fully exhaust all technical options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000'. These regulations ensure that disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority and/or Natural Resources Wales or the Environment Agency in England. Discharge of surface water to the public sewer is only to be made as a last resort. The management of highway or land drainage run off will also need to be considered as these flows will not be allowed to discharge directly or indirectly into the public sewerage system.

Network Hydraulic Modelling/ WwTW Feasibility Studies

Our pre-planning advice will provide you with an indication of whether our networks can accommodate your development. However there may be instances where our assets cannot at present service your site.

Our aim is to support economic development and growth within our operational area and we do not want to resist new development where possible. However we must be mindful of our assets, existing customers and the environment. In areas where there are issues either on our network or at the Wastewater Treatment Works (WwTW), we may already have proposals in place to address these concerns and to create capacity within the network for new developments.

However, there may be instances where you intend to develop your site in advance of Dŵr Cymru

undertaking improvements. If this is the case, to ensure there is no detriment to our existing customers you may be required to implement solutions identified by an assessment of either the network or Wastewater Treatment Works. Please note that you will not be expected to resolve any operational issues that exist.

Where further assessments are recommended, please be advised that you will need to allow sufficient time in your development program for these studies to be undertaken and for any improvements to be implemented, as in some circumstances we will not permit a communication to our networks until these works are completed.

Where possible, we will seek to control the delivery of any solutions as part of the planning process. Dependent on the progress of the assessment, we may be in a position to recommend appropriate planning conditions so that the outcomes of the assessment can be delivered as part of any planning permission. This approach allows us to support the progression of the site through the planning process, however in the absence of a completed assessment and known solutions we may need to work with you and the Local Planning Authority until the assessment is completed and the outcomes are known.

PLANNING AND NEW DEVELOPMENT

Making Connections to our Networks

Installing Your Drainage System and Making Connections to the Public Sewer

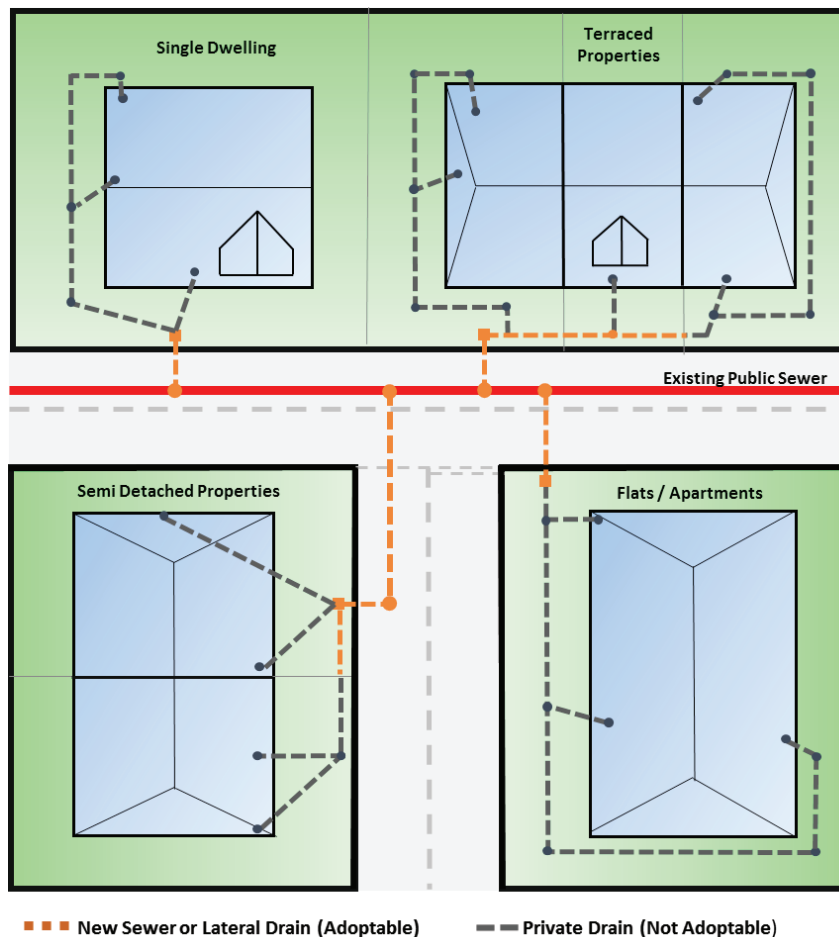
You will need to apply to us to make a connection to the public sewer, and depending on the layout of the drainage system you are proposing for your site, you may also be required to enter into an Adoption Agreement with us.

If your connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991) with us.

The design of the sewer and lateral drain must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Please be advised that we will not enter into a sewer adoption agreement for any sewer or lateral drain which is constructed in advance of the adoption agreement being in place. Further information on whether you will require a Section 104 Adoption Agreement and the adoption process can be obtained by contacting us.

To make the physical communication to the public sewer you will need to apply under Section 106 of the Water Industry Act 1991. An application pack can be obtained from our website and as part of the submission you will need to demonstrate that an adoption



agreement (if applicable) is in place, and that you have the relevant planning permissions in place for your development. Please be advised that if your site is subject to an Adoption Agreement we will not permit your communication until the agreement is in place.

Your New Water Supply

Our pre-planning advice will indicate whether your site can be adequately serviced by our clean water network. If new connections are required, we would invite you to submit an application to us at www.dwrcymru.com under Developer Services. Here you will find information about the services we have available and all

our application forms and guidance notes. You can complete forms online and also make payments via our website.

Upon approval of your Application and Water Regulations Notification we will notify you accordingly, send you a quotation for our estimated cost of your connection and a plan advising you of the work you need to carry out.

Our quotation is valid for 6 months. If payment is not received during this period you will need to re-submit a new application plus application fee if you wish to continue.

PLANNING AND NEW DEVELOPMENT

Requisitions and Asset Protection



Requisition a Water Main or Public Sewer

As the Statutory Water and Sewerage Undertaker we have a duty under the Water Industry Act 1991 to comply with a Requisition Notice served on us for the provision of a water main and/or public sewer to serve the development site.

Two main reasons exist for the person(s) exercising the rights to serve Notice. The first is where a person(s) wishes us to lay water mains and/or sewers in private land (by us serving Notice under Section 159 (WIA91) so that a communication with an existing watermain or public sewer can be achieved; the second is where, as a consequence of the provision of the new watermain/public sewer, reinforcement of the existing network is required to ensure that the development, and the local area, has an effective system (refer to Section 37 (water) and Section 94 (sewers) of the Water Industry Act 1991)

Under the provisions of the WIA 1991, we are entitled to recover the costs we incur in providing a requisitioned watermain or sewer. This includes, among other things, the reasonable costs of design, labour, plant, materials, reinstatement, land purchase (if applicable), compensation, and quality testing, inspection, supervision, administration and overhead costs.

Further information on the Requisition process can be obtained by contacting our team of dedicated Engineers or by visiting the Developer Services pages of our

website.

Assets Located at your Development Site

Our pre-planning advice letter may have drawn your attention to assets and/or apparatus located within your development site. It is important to note that under section 159 of the Water Industry Act 1991, Welsh Water has rights of access in order to inspect, maintain adjust repair or alter any asset or apparatus at all times.

Locating an Asset

Our pre-planning letter will be accompanied by water main and sewer extract plans, providing you with an indication of the asset location within the site. However, we provide this information as general guidance only and on the strict understanding that it is on the best information available (see notes within our plans for further information). The onus of locating the apparatus before carrying out any excavation rests entirely with you. To accurately locate any assets, please contact our team of planning officers for further guidance.

Protecting an Asset

The presence of an asset within the development site will have an impact on the layout and general arrangement of the site. Our pre-planning advice letter will provide you with the requirements for the protection of the asset(s) and you will need to ensure that the layout incorporates these requirements. Our recommendation is that our assets are incorporated into any site layout plan that is submitted as part of any planning application, so that

we and the Local Planning Authority can be satisfied that you have acknowledged the presence of such assets and have taken the necessary steps to protect them at the site.

Diverting a Water Main or Public Sewer

If you have concluded that the asset located within the site could not be incorporated within the layout of the new development, or our rights of access to the asset may be hindered by your proposal, you may request the alteration or removal, including diversion of that apparatus to accommodate a proposed improvement of that land (e.g. development or change of use). This provision is provided under Section 185 of the Water Industry Act 1991. Further information on diverting an asset can be obtained by contacting our team of dedicated Engineers or by visiting the Developer Services pages of our website.

Contact Us

For more information, contact Welsh Water's Planning team:














Email: developer.services@dwrcymru.com

Visit: www.dwrcymru.com

Tel: 0800 917 2652



LEGEND

- | | | | | |
|-----------------------|---|-------------------------|---|-----------------------|
| Clean network: |  | Sluice valve |  | Stop tap |
| |  | Pressure reducing valve |  | Water Treatment Works |
| |  | Meter |  | Water Pumping Station |
| |  | Bulk meter |  | Existing main |
| |  | Hydrant |  | Non-operational main |
| |  | Cap end |  | Raw Water |
| |  | Air valve | | |
- NB: Water main symbol colour indicates the type.
LIGHT BLUE - Trunk
DARK BLUE - Distribution
YELLOW - Raw Water

Notes:

Whilst every reasonable effort has been taken to correctly record the pipe material of DCWW assets, there is a possibility that in some cases pipe material (other than Asbestos Cement or Pitch Fibre) may be found to be asbestos cement (AC) or Pitch Fibre (PF). It is therefore advisable that the possible presence of AC or PF pipes be anticipated and considered as part of any risk assessment prior to excavation.

Dŵr Cymru Cymunedig (The Company) gives this information as to the position of its underground apparatus by way of general guidance only and on the understanding that it is based on the best information available and no warranty as to its correctness is relied upon in the event of excavations or other works made in the vicinity of the company's apparatus. The user of this information is advised to carry out any excavations made entirely on their own. The information which is supplied by the Company is done so in accordance with statutory requirements of sections 105 and 109 of the Water Industry Act 1991 which leaves open the level of information available and, in particular, but without prejudice to the generality of the foregoing, it should be noted that the records that are available to the Company may not disclose the existence of a water main, service pipe, sewer, lateral drain or downpipe and any associated apparatus and before 1 September 1992, or if they do, the particulars thereof including their position underground may not be accurate. It must be understood that the furnishing of this information is entirely without prejudice to the provisions of the New Roads and Street Works Act 1991 and the Company's right to be compensated for any damage to its apparatus. It must be understood that the Service pipes are not generally shown but their presence should be anticipated.

**EXACT LOCATIONS OF ALL APPARATUS
TO BE DETERMINED ON SITE.**

Reproduced by permission of the Ordnance Survey on behalf of
HMISO. © Crown copyright and database right 2017.
All rights reserved.
Ordnance Survey Licence number 100019534

Map Ref: 309614,208256
Map scale: 1:3500
Printed by: Jeremy Hackman
Printed on: 27 Nov 2023

From: Shirley Rance [REDACTED] **On Behalf Of** NSIP Applications
Sent: Tuesday, November 21, 2023 10:50 AM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Cc: NSIP Applications <NSIP.Applications@hse.gov.uk>; HazSubConsent CEMHD5 <HazSubCon.CEMHD5@hse.gov.uk>
Subject: DNS CAS-02977-Y9F1W7 - Convatec Green Manufacturing Hub Rhymney | EIA Scoping Consultation - HSE Response

Dear Mr Pang,

Thank you for your email dated 13 November 2023 consulting HSE on the Proposed Convatec Green Manufacturing Hu Rhymney - Development of National Significance (DNS). Please find HSE's advice below.

HSE's Land Use Planning Advice (CEM HD5 Contribution)

Will the proposed development fall within any of HSE's consultation distances?

1. With reference to the plan [2023-11-09 - Scoping Request - BR10167 002 Site Location 07_11_2023 0.1](#), on which is shown both red-lined and blue-lined boundaries, there are areas of the proposed development that fall within HSE public safety consultation zones associated with Major Accident Hazard Pipeline(s) operated by Wales & West Utilities:
 - a. Dowlais / Nelson (VS073) [Transco ref: 1557, HSE ref: 7288] - Wales and West Utilities
2. The red-lined and blue-lined areas do not currently fall within the consultation distances of any Major Accident Hazard Installation(s).
3. HSE will not advise against the proposed development, providing the proposed development does not introduce populations, either permanent or temporary, into any of HSE's public safety consultation zones which are assigned to individual Major Accident Hazard Pipeline(s).
4. Please note if at any time a new Major Accident Hazard Pipeline is introduced or existing Pipeline modified prior to the determination of a future application, the HSE reserves the right to revise its advice.
5. Likewise, if prior to the determination of a future application, a Hazardous Substances Consent is granted for a new Major Hazard Installation or a Hazardous Substances Consent is varied for an existing Major Hazard Installation in the vicinity of the proposed project, again the HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

6. The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) (Wales) Regulations 2015.

7. Hazardous Substances Consent would be required if the proposed development site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.
8. Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

There are no licensed explosive sites in the vicinity so HSE has no comment to make in this regard.

Regards
Shirley

NSIP Consultation Team
Health and Safety Executive



Chris Pang
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
PEDW.Infrastructure@gov.wales

Our Ref: LA/28C-15025 (BR13)
Your Ref: DNS CAS-02977-Y9F1W7
Date: 30 November 2023
Contact: Station Manager Lee Abdul
Tel: [REDACTED]
E-mail: firesafety@southwales-fire.gov.uk

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: THE CONVATEC GREEN MANUFACTURING HUB IS PLANNED TO CONSIST OF THREE WIND TURBINES (OF APPROXIMATELY 150 M TIP HEIGHT) WITH A COMBINED CAPACITY OF AROUND 15 MW, AND APPROXIMATELY 5 MW OF GROUND MOUNTED SOLAR PV, PLUS ASSOCIATED INFRASTRUCTURE. ZERO CARBON ELECTRICITY WILL BE DELIVERED LOCATION: LAND SW OF CONVATEC MANUFACTURING, UNITS 1&2, HEADS OF THE VALLEYS IND ESTATE, RHYMNEY, NP22 5RL

I acknowledge receipt of the notification to the South Wales Fire and Rescue Authority ("The Authority") in relation to the above application.

The proposed site plan in relation to the above has been examined and The Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development.

Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the **Well-being of Future Generations (Wales) Act 2015** and the **Future Wales – the national plan 2040** framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.

Pencadlys Gwasanaeth Tân ac Achub De Cymru,
Parc Busnes Forest View, Llantrisant, Pont-y-clun, CF72 8LX.

Ffôn 01443 232000 • Ffacs 01443 232180
www.decymru-tan.gov.uk

Rydym yn croesawu gohebiaeth yn y gymraeg a'r saesneg - byddwn yn ymateb yn gyfartal i'r ddau ac yn ateb yn eich dewis iaith heb oedi.

CODI YMWHYBYDDIAETH - LLEIHAU PERYGL

South Wales Fire and Rescue Service Headquarters,
Forest View Business Park, Llantrisant, Pontyclun, CF72 8LX.

Telephone 01443 232000 • Fax 01443 232180
www.southwales-fire.gov.uk

We welcome correspondence in Welsh and English - we will respond equally to both and will reply in your language of choice without delay.

RAISING AWARENESS - REDUCING RISK

Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.

Large Commercial Solar Arrays, Battery Energy storage Facilities, Electric Vehicle Parking/Charging Facilities:

Fires involving the installations detailed above can be very difficult to extinguish. Conditions can cause a thermal runaway within battery cells, which is a highly exothermic reaction creating toxic, flammable, and/or explosive chemical atmospheres.

The developer of such sites should ensure they have suitable safety measures to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between locations where energy systems may be stored.

Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems.

The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.

Standing Advice.

The site plan/s of the above proposal has been examined and The Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development:

- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should also consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.
Yours faithfully,

Duly signed and authorised by



for Assistant Chief Fire Officer

cc: WATERGEN@southwales-fire.gov.uk

Enc: BR13 Appendix

Appendix

1.0 Access For Fire Appliances

Typical vehicle access route requirements:

Appliance Type	Min Width Road	Min Width Gate	Min Turning Circle between Kerb
Pump	3.7m	3.1m	16.8m
Aerial Appliance	3.7m	3.1m	26.9m
Min Turning between Wall	Min Height Clearance	Min Capacity Tonnes	
19.2	3.7m	12.5	
29.0	4.0m	23	

Pedestrian Priority

Pedestrian schemes must take into account the need for permanent and unobstructed access for firefighting appliances. The siting of ornamental structures such as flower beds, must take account, not only of the access requirements of the fire appliances but the need to be able to site them in strategic positions; in particular, account must be taken of the working space requirements for aerial appliances. Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure adequate access for fire appliances, their siting and use.

2.0 Water Supplies for Firefighting

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to cater for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Access to Open Water Supplies

Where development of water front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

2.1 Housing

Minimum main size 100mm. Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

Housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any hydrant on the development.

2.2 Transportation

Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations

Minimum main size 100mm. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

2.3 Industry

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any Industrial estate is as follows:

Light Industrial

Minimum Main Size 100mm

Up to one hectare, 20 litres per second

Commercial/Industrial

Up to two hectares, 35 litres per second - Minimum Main Size 150mm

High Risk Industrial

Two to three hectares 50 litres per second - Minimum Main Size 150mm.

Over three hectares, 75 litres per second.

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site at the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high risk units may require a greater flow.

2.4 Shopping, Health and Community Facilities

Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary Schools and single storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

2.6 Distances Between Fire Hydrants

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates (Subject to operational needs)	-	150 metres
Town centre areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hotels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Homes)	-	Adjacent to access
Old Persons Homes	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

2.7 Conclusion

Developers should hold joint discussion with Dwr Cymru - Welsh Water or the National Rivers Authority and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire. The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.



Welsh Government Motorway and Trunk Road Network

‘Pulling Together’ Best Practice for Transporting Abnormal Loads in Wales

Instructions for use:

This guidance document is intended for use by hauliers and developers planning to generate abnormal load movements on Trunk Roads and Motorways in Wales.

It outlines the statutory process for planning and conducting safe and effective abnormal load movements in agreement with all relevant authorities and organisations.

This document supersedes any previous advice issued by the Welsh Government regarding this process.

TABLE OF CONTENTS

1	INTRODUCTION	2
1.1	Document purpose	2
1.2	Document structure	4
1.3	Intended audience	4
1.4	List of abbreviations.....	5
2	CATEGORIES OF ABNORMAL LOAD	6
2.1	Normal vehicle definition	6
2.2	Categories of abnormal loads.....	6
2.3	Summary	10
3	VEHICLE PREPARATION	11
3.1	Vehicle choice	11
3.2	Signage, markings and lighting	11
3.3	Attendants	11
3.4	Documentation	12
4	JOURNEY PREPARATION.....	13
4.1	Notification requirements.....	13
4.2	Route planning guidance.....	17
4.3	Notification processing	20
4.4	Post-notification considerations.....	23
4.5	Process summary.....	24
5	ABNORMAL LOADS AND DEVELOPMENT CONTROL	26
5.1	Planning applications.....	26
5.2	Planning conditions	26
6	SUMMARY OF ROLES AND RESPONSIBILITIES.....	31
7	USEFUL CONTACTS.....	32

1 INTRODUCTION

1.1 Document purpose

Our highways are, in the most part, built to accommodate a certain maximum vehicle size and weight. These vehicle limits are defined and upheld by UK law and most daily movements can be completed within them. However, some particular vehicle types and indivisible freight loads fall outside these limits and so are known as 'abnormal loads'. These typically include:

- Vehicle carrying an oversize or overweight load
- Mobile cranes
- Engineering plant
- Road recovery vehicles

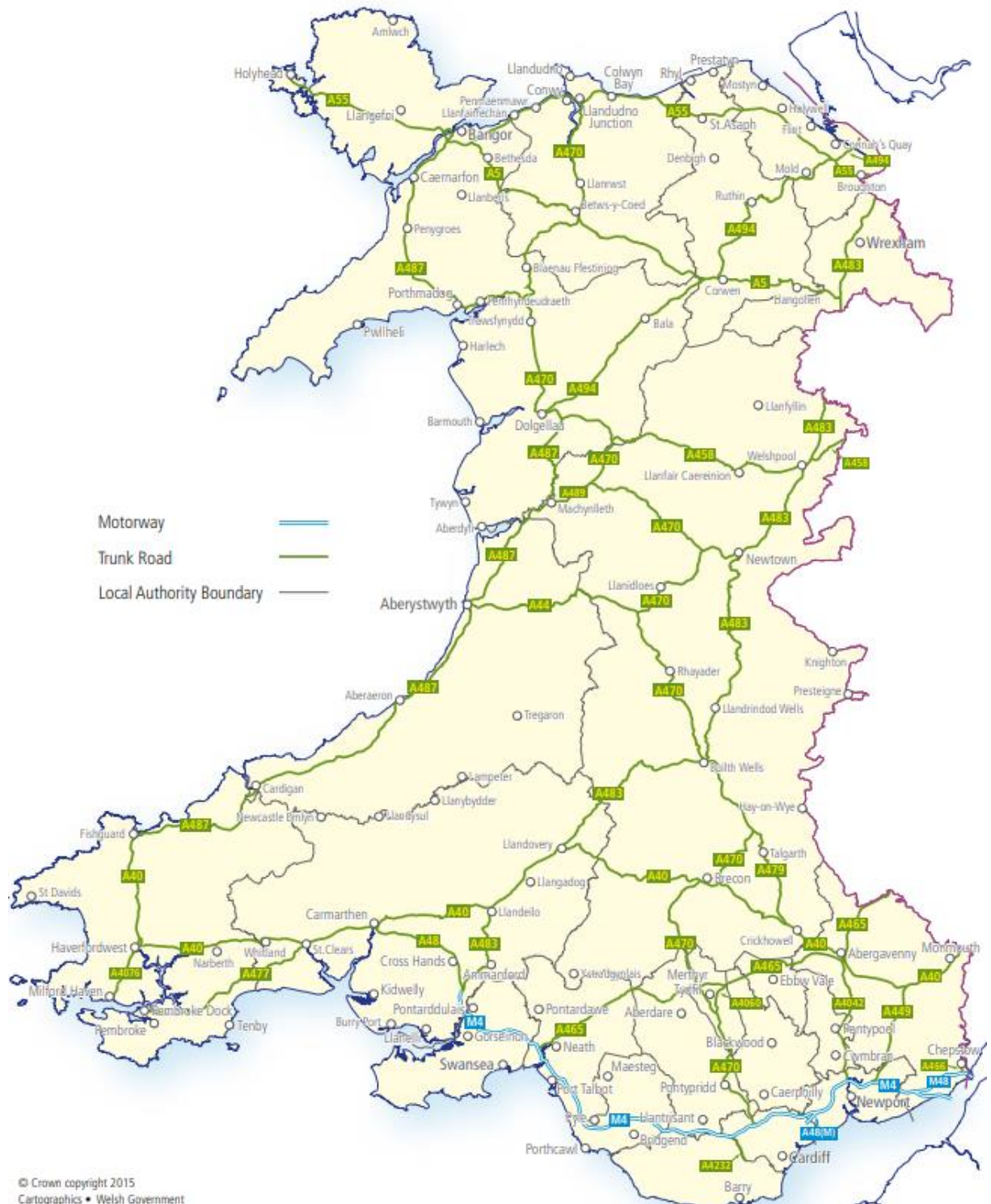


The movement of these types of loads by road is essential for supporting the UK economy, but it is also essential that the movements are carefully planned and executed to ensure they can be safely accommodated by the highway network. Movements of abnormal loads on the Welsh trunk road network (see Figure 1) can include vehicles as large as 8m wide, 55m long and 135te, while many thousand abnormal load movements take place in Wales every year. The consequences of these types of journeys being unplanned or poorly executed can therefore be significant, and include:

- Damage to the network when abnormally wide or heavy loads travel over weak structures or along narrow roads
- Delay to all road users if movement timing or route is poorly planned
- Harm to wider public if mismanaged movement results in an accident

- Delays and cost implications to industry when vehicles unable to complete journey on time

Figure 1 Trunk Road Network Wales (Traffic Wales, 2015)¹



¹ <https://traffic.wales/sites/default/files/2018-10/151021-wales-trunk-roads-map-en.pdf>

To avoid such impacts and their potential legal consequences, those responsible for transporting abnormal loads by road in the UK are required by law to plan and execute each movement in agreement with relevant authorities to ensure the incident-free passage of every load from origin to destination.

Welsh Government is the devolved government for Wales. The Welsh Ministers are the Highway Authority for trunk roads and motorways in Wales under the Highways Act 1980. They are supported by civil servant officials who work across devolved areas that include key areas of public life, including transport and the management of trunk roads and motorways.

This document therefore comprises a Welsh Government Procedure and Advice Guidance (PAG) document which aims to summarise the legal process which must be followed in the planning and execution of all abnormal load movements on trunk roads within Wales and to clarify the roles and responsibilities of the various parties involved.

By pulling together, we make roads in Wales safer and more effective.

1.2 Document structure

The document is structured as follows:

- The legal definition of an abnormal load is discussed in Section 2
- Guidance on vehicle preparation is provided in Section 3
- Guidance on journey preparation is provided in Section 4
- Planning for abnormal loads through the development control process is outlined in Section 5
- A summary of roles and responsibilities is presented in Section 6, and
- A list of useful contacts is provided in Section 7

1.3 Intended audience

This document is primarily addressed at the party responsible for conducting an abnormal load movement on Welsh trunk roads (most commonly the haulier), but is relevant to all parties involved in its safe planning and execution, as follows:

- Consigners/agents
- Hauliers
- Attendants
- Escorting services

- Police
- DVSA
- Highway Authorities and other bridge owners
- Planning authorities
- Developers / agents or consultants
- Statutory utilities

1.4 List of abbreviations

The following abbreviations are used throughout this document:

- AIL – Abnormal Indivisible Load
- ALO – Abnormal Loads Officer
- AWR – Road Vehicles (Authorised Weight) Regulations 1998
- STGO – The Road Vehicles (Authorisation of Special Types) (General) Order 2003
- C&U – The Road Vehicles (Construction and Use) Regulations 1986
- DBFO – Design, Build, Finance, Operate companies
- DMRB – Design Manual for Roads and Bridges
- HA&BO – Highway Authorities and other Bridge Owners
- NH – National Highways (*previously Highways England*)
- DVSA – Driver and Vehicle Standards Agency
- LA – Local Authority
- NMWTRA – North and Mid Wales Trunk Road Agent
- SWTRA – South Wales Trunk Road Agent
- TAA – Technical Approval Authority
- TMP – Traffic Management Plan
- TTRO – Temporary Traffic Regulation Order
- WG – Welsh Government

2 CATEGORIES OF ABNORMAL LOAD

Abnormal loads, and the obligations of those moving them, are defined in the UK by legislation. This section provides a summary of the different legal categories of abnormal load and their implications.

2.1 Normal vehicle definition

The maximum size and weight of vehicles which can use the UK road network without journey notification having to be provided to relevant authorities is defined by the following regulations:

- The Road Vehicles (Construction and Use) Regulations 1986 – “C&U”
- Road Vehicles (Authorised Weight) Regulations 1998 – “AWR”

These permit a vehicle and its load to use UK roads without notification as long as the combination falls within the following maximum size and weight limits:

- Rigid length: up to 18.65m
- Width: up to 2.9m
- Weight: up to 44,000kg
- Axle load: up to 10,000kg (or 11,500kg for single driving axle)

If a vehicle and its load lie outside any of these limits, it is referred to as an abnormal load.

There is no legal height limit for vehicles but, wherever possible, the overall height of a vehicle and load should not exceed 4.95m so that the maximum use can be made of the motorway and trunk road network. This will ensure that loads are less than 5.03m in height, which is the minimum maintained headroom requirement on UK highways.

2.2 Categories of abnormal loads

Legal categories of abnormal load vary to cover different combinations of vehicle size and weight. This is because different types of abnormal load have implications for both:

- Vehicle choice, and
- Route choice

The implications in each case are considered in the following subsections.

2.2.1 Abnormal loads and vehicle choice

The size of an abnormal load has implications for the size of the transporting vehicle, with larger loads generally requiring larger vehicles.

In addition, heavier loads put greater demands on a vehicle's chassis, suspension, tyres, brakes and engine, so heavier abnormal loads also require a higher specification of vehicle.

These distinctions between the impacts of size and weight result in the following abnormal load vehicle legal categories:

- C&U/AWR compliant vehicles are permitted within that legislation to carry oversized abnormal indivisible loads up to a limit, but not overweight loads
- Overweight loads, and those beyond C&U size limits, can be carried by three categories of higher specification vehicles designed to standards prescribed by The Road Vehicles (Authorisation of Special Types) (General) Order 2003 ("STGO") and are subject to lower speed limits depending on load weight
- Loads heavier and/or larger than those permitted by STGO require Special Order approval by the UK Secretary of State under Section 44 of the UK Road Traffic Act 1988

The application of these categories to abnormal load sizes and weights is summarised in the following table.

Table 1 Abnormal load legal category by size/weight combination

Gross weight	Axle weight	Load Dimensions				
		W ≤2.9m L ≤18.65m	W >2.9m L >18.65m	W >4.3m L >27.4m	W >5m L >27.4m	W >6.1m L >30m
≤44,000kg	≤11,500kg	C&U	C&U	STGO Category 1	STGO Category 1	Special Order
>44,000kg	≤11,500kg	STGO Category 1	STGO Category 1	STGO Category 1	STGO Category 1	Special Order
>50,000kg	>11,500	STGO Category 2	STGO Category 2	STGO Category 2	STGO Category 2	Special Order
>80,000kg	>12,500	STGO Category 3	STGO Category 3	STGO Category 3	STGO Category 3	Special Order
>150,000kg	>16,500kg	Special Order	Special Order	Special Order	Special Order	Special Order

Key:  = Abnormal load legislation

This table highlights that:

- C&U vehicles are limited to carrying abnormal loads which are oversized but not overweight
- STGO categories increase with abnormal load weight up to 150,000kg
- Special Order vehicles are for extra heavy and/or very large abnormal loads

2.2.2 Abnormal loads and route choice

As well as vehicle type implications, abnormal loads also present route choice implications, as follows:








- The wider and longer a load, the greater the potential for conflict with other road users and roadside furniture / structures
- The heavier a load, the greater the potential for damage to underlying infrastructure and for delays to other road users due to slower speeds

The transporting of abnormal loads therefore presents increased road safety, infrastructure damage and traffic management risks to the network which need careful management and mitigation in liaison with relevant authorities. This is required by legislation covering abnormal load movements and the following table summarises:

- The organisations requiring pre-trip notification of the abnormal load journey details, and
- The minimum notification period in each case, where 'd' refers to working days (excluding Sundays and Bank Holidays) and 'w' refers to weeks

Table 2 Pre-journey notification requirements by abnormal load category

Gross weight	Axle weight	Load Dimensions				
		W ≤2.9m L ≤18.65m	W >2.9m L >18.65m	W >4.3m L >27.4m	W >5m L >27.4m	W >6.1m L >30m
≤44,000kg	≤11,500kg	N/A	Police – 2d			
>44,000kg	≤11,500kg	HA&BO – 2d	Police – 2d HA&BO – 2d		Police – 2d HA&BO – 2d NH – 2w	
>50,000kg	>11,500					
>80,000kg	>12,500		Police – 2d HA&BO – 5d		Police – 2d HA&BO – 5d NH – 2w	
>150,000kg	>16,500kg					Police – 5d HA&BO – 5d NH – 10w

Key:  = Abnormal Load legislation  = VR1 form notice  = C&U
 = STGO C1  = STGO C2  = STGO C3  = Special Order

HA&BO = Highway Authority and other Bridge Owners NH = National Highways

This table highlights that:

- Where just load size increases, only the Police require notification, until the size reaches such that HA&BOs and National Highways require notifying also
- Conversely, where just load weight increases, HA&BOs require notification, until the weight reaches such that the Police and National Highways require notifying also
- For combinations of size and weight increases, both the Police and HA&BOs need notifying, together with National Highways for the largest/heaviest loads
- In all cases, the minimum notification period increases with load size and weight
- For loads over 5m wide, UK Secretary of State approval must be sought through submission of a VR1 form²

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/471962/VR1_form.pdf

- For loads over 6.1m wide, UK Secretary of State approval must be sought through submission of a Special Order form³

The approval of VR1 and Special Order forms has not been devolved by the UK Government to Welsh Government and so currently remains the responsibility of National Highways. However, for Special Order movements which will result in trips on the Welsh trunk road network, and for any other abnormal load movement deemed applicable, Welsh Government may require a Traffic Management Plan (TMP) to be submitted for approval before the proposed journey date. TMP requirements are defined in Section 4.1 below.

VR1 and Special Order load movements should also be planned with due cognisance of Highway England's 'Water preferred policy guidelines'⁴ which require such journeys to be completed as far as possible by either inland or coastal waters wherever it is practical, economic and environmentally desirable to do so.

2.3 Summary

UK law defines abnormal load categories based on the degree of vehicle and route preparation required in each case to ensure a smooth and safe movement, with preparation requirements increasing with load size and weight.

Further guidance on vehicle and route preparation is provided in the following two sections.

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503102/BE16_form_revised_Sept_15.pdf

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799833/WPP_guidelines_2019_DfT_consultation_revision.pdf

3 VEHICLE PREPARATION

Ensuring that an abnormal load vehicle meets legal requirements and is fit-for-purpose is essential for ensuring safe and reliable journeys. This short section is not intended to cover all legal matters relating to abnormal load vehicle preparation but summarises key requirements that contribute to safe movements through Wales.

3.1 Vehicle choice

Where the carrying of a load causes the vehicle and load to lie outside of normal C&U/AWR size and/or weight limits, the party responsible for its transportation is legally required to divide the load into smaller components wherever possible, except where this would involve undue expense or risk of damage.

Assuming the load cannot be further subdivided and so is considered an abnormal indivisible load, the selected vehicle must comply with the legislation applicable to the dimensions and weight of the combination, as set out in Table 1 above.

3.2 Signage, markings and lighting

It is both a legal requirement and best practice to clearly sign, mark and light an abnormal load vehicle to ensure the visibility of vehicle size and extremities for other road users. For a summary of requirements and best practice, refer to the following documents:

- 'Special types enforcement guide', by Gov.UK⁵
- 'Lighting and marking for abnormal loads vehicles code of practice', by National Highways⁶

3.3 Attendants

Both C&U and STGO legislation require that an attendant travel with the vehicle where:

- The overall width of the vehicle together with the width of any lateral projection or projections of any load carried on it is 3m or less but the length of any lateral projection of a load carried on it exceeds 305mm.

⁵ <https://www.gov.uk/government/publications/lighting-and-marking-for-abnormal-loads-vehicles-code-of-practice>

⁶ <https://www.gov.uk/government/publications/special-types-enforcement-guide/special-types-enforcement-guide#abnormal-loads>

- The overall width of the vehicle together with the width of any lateral projection or projections of any load carried on it exceeds 3.5m where a rigid unit and any projection of the load exceeds 18.75m in length.
- Special types combination exceeds 25.9m, the length of any forward projection of the load exceeds 2m, the length of any rearward projection of the load exceeds 3.05m.

Where attendants are required on special types vehicles and three or more vehicles are involved travelling in convoy, attendants need only be carried in the first and last vehicles of that convoy.

The attendant's duty is to warn the driver or any other person of any danger likely to be caused by the presence of the vehicle or vehicles on the road and to ensure road signs and notices are complied with.

3.4 Documentation

If UK Secretary of State approval is required and obtained for the journey via either a VR1 or Special Order form, the approval documents must be carried in the vehicle during the approved journey as the means of demonstrating authorised exemption from C&U/AWR regulations.



4 JOURNEY PREPARATION

The key to an effective and safe abnormal load journey is good preparation in liaison with relevant authorities, as required by legislation and by this document. This section provides guidance on the journey planning and notification process.

4.1 Notification requirements

4.1.1 Authorities to be notified

As summarised in Table 2 above, the relevant authorities who require notification of abnormal load movements may include:

- Police
- Highway authorities and other bridge owners
- National Highways

In Wales, highway authorities comprise:

- Local authorities for non-trunk roads, and
- Welsh Government for trunk roads (with functions delegated to NMWTRA/SWTRA and DBFO companies)

Bridge authorities/owners most commonly comprise:

- Local authorities for non-trunk road structures
- Welsh Government for trunk road structures (with functions delegated to NMWTRA/SWTRA and DBFO companies)
- Network Rail for rail bridges
- Canal and River Trust for canal bridges

4.1.2 Notice periods

Notification to relevant authorities must be provided before any abnormal load journeys take place. The minimum notification periods for each authority are summarised by abnormal load category in Table 2 above. Depending on the type of abnormal load, this shows that:

- Each Police force area traversed by the route must be given at least 2 to 5 days' notice

- Each HA&BO area traversed by the route must be given at least 2 to 5 days' notice
- If VR1 form approval is required, National Highways must be given at least 2 weeks' notice
- If Special Order approval is required, National Highways must be given at least 10 weeks' notice

Where a Temporary Traffic Regulation Order is required, it should be noted that this can also take up to 12 weeks to process (see Section 4.3.1.3 below for more information).

The reason for requiring minimum notification periods is to allow due time for notified authorities to assess the proposed journey and for applicants to satisfactorily address any issues raised before the journey takes place. More information on the notification assessment process is provided in Section 4.3 below, but it should be noted that notified journeys can only legally take place:

- If all relevant authorities are notified with sufficient notice period and either no response is received before the journey date or any response received before the journey date is addressed by the applicant to the satisfaction of the responding authority, and
- In the case of VR1 or Special Order movements, explicit written approval is received

In addition, where a TMP has been requested by Welsh Government, Welsh Police forces can request evidence of TMP approval before providing escort support services.

It is important to note that notifications which do not satisfy the legal minimum notice periods will generally not be accepted by authorities unless a movement is required as part of a genuine emergency and the notification is accompanied by a telephone call. Equally, notifications can be submitted earlier than the minimum notice period, while pre-notifications and consultations with authorities are also encouraged where there is uncertainty about whether a journey notification would be accepted.

4.1.3 Information required

4.1.3.1 Statutory notification requirements

The level of notification information required depends on the category of abnormal load being moved, with information requirements increasing with movement size and/or weight. A summary of requirements per movement category is provided in the following table.

Table 3 Information required by notification type

Information	C&U	STGO	VR1	Special Order
List of authorities notified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Operator details	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Movement route, time and date	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of load	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle type and registration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle dimensions and laden weight	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Axle weights and spacing		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Proof of current indemnity to HW&BO		<input checked="" type="checkbox"/>		
More detailed journey information			<input checked="" type="checkbox"/>	
More detailed vehicle and load information				<input checked="" type="checkbox"/>

4.1.3.2 Traffic Management Plan requirements

Where a TMP is required to be submitted to Welsh Government (see sections 2.2.2 and 4.1.2), the following journey details should be provided:

1. Proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
2. Loaded dimension and weight of AIL
3. Anticipated escort arrangements
4. Methodology for managing trunk road traffic during journey, including identification of passing places and holding areas as necessary
5. Journey contingency plans in the event of incidents or emergencies
6. Estimated journey duration and timings along the route
7. Evidence of trial run that mimics the movement of the AIL along the access route where appropriate, at the discretion of the Highway Authority
8. Swept path analysis modelling at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
9. Proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed and reinstated

4.1.4 Notification submission

All relevant notification and indemnity forms can be found on the Gov.UK website⁷ which can be emailed, faxed or posted to relevant authorities.

However, it is recommended that an online notification portal is used to submit C&U and STGO abnormal load notifications. The standard UK system is ESDAL⁸, maintained by National Highways, which allows users to:



- Plan an appropriate route according to vehicle size and weight
- Notify all relevant Police, highway authorities and other bridge owners of the planned journey
- Get advance notice of any possible route problems
- Save vehicle details and routes for future use

Subject to the preferences of individual authorities and Police forces, other online notification portals can also be used, but the applicant should satisfy themselves that any system employed satisfies all legal requirements for making abnormal load journey notifications.

The TMP, if required, should be submitted to the Welsh Government ALO, as detailed in Table 7 below.

4.1.5 Notification dispensations

Dispensations may be issued by Police to hauliers to move abnormal loads through their area without prior notification if they satisfy the following requirements:

- Abnormal loads no wider than 3.5m
- Multiple loads of a like nature on a regular basis
- Routes limited to motorways and selected A roads only

The granting of a dispensation has the potential to significantly reduce the number of notifications hauliers will have to submit. However, the dispensation should reference specific vehicles in the fleet and so are not transferable without prior notice to the Police. Drivers should also carry a copy of the dispensation and present it to an officer on request. Dispensations must be renewed annually on application and are not automatically renewed.

⁷ <https://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms>

⁸ <https://www.gov.uk/esdal-abnormal-load-notification>

Any dispensation granted will not take account of any roadworks commencing during the dispensation period or ongoing at the point of issue and hauliers will still be expected to check their route.

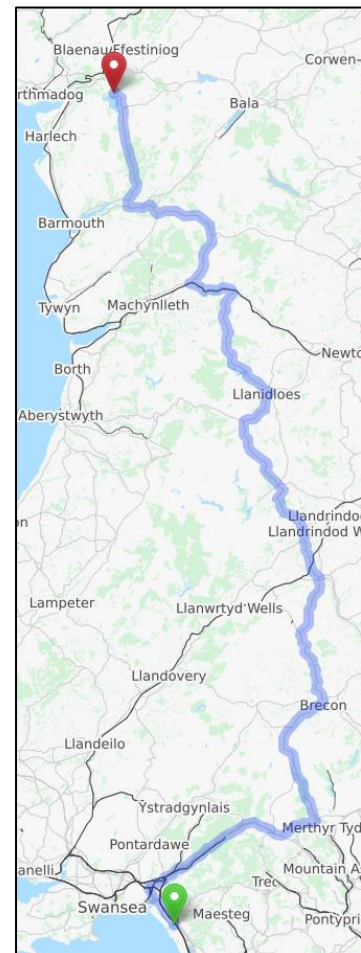
4.2 Route planning guidance

4.2.1 General principles

It is ultimately the haulier's responsibility to identify a route and execute a journey which ensures the legal, safe and least disruptive passage of an abnormal load from trip origin to trip destination. Relevant authorities will provide guidance and, where necessary, require journey amendments, but the legal responsibility and liability for the safe completion of each journey lies with the haulier.

In selecting an appropriate route for inclusion in an abnormal load journey notification, the following general principles should be followed:

- Routing preference should always be given to using the highest classification roads, with as much of the journey as possible being routed along motorways, trunk roads and A-roads. These routes are best equipped to carry large and heavy loads, and are least likely to present size and weight restrictions (the busiest abnormal load routes on the Welsh trunk road network typically include the A55, A494 dual carriageway, A483 dual carriageway and the A5 near Chirk)
- Routes should also avoid passing through population centres wherever possible to minimise conflict with both infrastructure constraints and other road users
- Routes must avoid roads presenting size and/or weight restrictions which fall within the parameters of the vehicle/load combination being transported
- One key advantage of using online journey notification systems like ESDAL is that it allows users to plot a route based on vehicle size and weight based on mapping which contains information on network size and weight restrictions.



Potential applicants should also be aware of Ordnance Survey 'Mastermap Highways Network' products which allow point-to-point route planning and contains a comprehensive and continuously updated national database of:

- Road classification and name
- Height, weight, width and length restrictions
- Turn restrictions
- Access restrictions
- Locations of bollards and traffic calming
- Narrow roads and pinch points
- Maintenance responsibility

In addition, it is recommended that applicants consider potential planned roadworks at the route planning stage using the online resources detailed in Section 4.4.1 below.

In combination with online notification portals, hauliers therefore now have access to route planning tools which maximise the chances of both successful abnormal load notifications and successful abnormal load journeys.

4.2.2 Other considerations

4.2.2.1 Travel timing

In planning an abnormal load route, the following timing related factors should also be considered:

- Journey times which exceed statutory driver working time limits will require a stopping place to be identified along the route which can accommodate abnormal load vehicles
- Journey distances which require vehicle refuelling will require a fuel station to be identified along the route which can accommodate abnormal load vehicles
- During hours of darkness, most Police forces only allow abnormal load movements to take place on motorways and on some lit dual carriageways. Journeys on all other road types which cannot be completed during daylight hours will therefore need to be routed via an abnormal load layby where layover can take place
- Some authorities will not allow abnormal load movements through their area or parts of their area during peak traffic hours. This can affect both route choice and journey timing

For planning stops and/or refuelling, National Highways publish on the Gov.uk website a list⁹ and map¹⁰ of laybys and motorway service stations which can accommodate abnormal loads.

In calculating journey times, typical congestion on the planned day of travel should be taken into account, as well as the speed limit applicable to the abnormal load vehicle type. STGO loads are speed limited by category and road type. The most common categories are limited as follows:

Table 4 STGO speed limits by category and road type

STGO category	Speed limit		
	Motorway	Dual carriageway	Other roads
Category 1 (width ≤ 4.3m)	60mph	50mph	40mph
Category 1 (width > 4.3m) & Categories 2 & 3	40mph	35mph	30mph
Special Order ¹¹	20mph	20mph	20mph

Source: Special Types Enforcement Guide

4.2.2.2 Escort considerations

Consideration should also be given during route planning as to whether either a private or Police escort is required to accompany the abnormal load movement.

There is no legal requirement for a vehicle moving under STGO or a Special Order to be accompanied by an escort vehicle, but National Highways advises that the following dimensions may be applied to decide if the movement of an abnormal load requires an escort:

Table 5 National Highways guidelines on escort requirements

Abnormal load measurement	Motorway	Other
Width	>4.6m	>4.1m
Length	-	>30.5m
Weight	130t	100t

Source: Lighting and marking COP for abnormal load self escorting vehicles, National Highways

The above measures are for guidance and may differ between individual Police forces who may wish to vary these requirements. The final decision rests with the Police (see Section 4.3.1.2 below).

See the full National Highways Code of Practice¹² for further details on escorting abnormal load movements.

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494606/Location_of_Abnormal_Load_Laybys_-_1143.pdf

¹⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494607/Lay-by_and_MSA_Map_-_1143.pdf

¹¹For girder frame trailers over 150 tonnes and draw-bar trailers over 250 tonnes, the limit is 12mph

¹²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503105/Lighting_and_marking_COP_for_abnormal_load_self_escorting_vehicles_HE_rebranding_v1.pdf

4.3 Notification processing

4.3.1 Police notification assessment process

4.3.1.1 Public Safety Risk Assessment

In processing an abnormal load journey notification, the primary concern of the Police is to assess the potential impact of the journey on public safety. The relevant duty officer within the Police will therefore check the notification and carry out a risk assessment based on the agreed 'risk category' levels set out below:

- Low risk notifications – no necessity for further action. General advice provided to the haulier and information on control measures if necessary.
- Medium risk notifications – the Police will check the movement complies with relevant legislation and inform the haulier if the notification is rejected. A decision on the necessity of a Police escort or further traffic management measures will be considered for all notifications considered medium risk.
- High risk notifications – the Police will check the movement complies with relevant legislation and inform the haulier if the notification is rejected. A decision on the necessity of a Police escort or further traffic management measures will be considered for all notifications considered high risk.

Based on this risk assessment, the Police forces may reject or amend any time, date or route that they consider may have an impact on public safety. If a route is deemed unsuitable, the haulier will be notified and will then be responsible for identifying an alternative route or additional traffic management measures sought from local authorities, National Highways or the Police.

4.3.1.2 Escort requirements

If the risk assessment determines that the safety of road users may be compromised to an unacceptable extent, an escort may be specified regardless of the vehicle dimensions specified in Table 5 above. The haulier will therefore be responsible for provision of an escort vehicle which conforms to the type specified by National Highways.

As per ACPO guidance, Police escorts will only be provided if specifically requested by a haulier or if the risk assessment identifies the need for temporary road closures to ensure safe passage of the load through restricted sections of the route. A minimum of 8 days notice will be required for a Police escort. If necessary, charges for Police escorts will be incurred by the haulier at 'Special Policing



Services' rates. For journeys where a TMP has been requested by Welsh Government, Welsh Police forces can request evidence of TMP approval before providing escort support services.

4.3.1.3 Temporary Traffic Regulation Order

If the risk assessment identifies the need for a temporary road closure on any section of the route, the haulier will be required to apply for a Temporary Traffic Regulation Order (TTRO) under the Road Traffic Regulation Act 1984 to allow officers and other Accredited Persons¹³ to stop and direct moving traffic or to suspend on-street parking. Applications for TTROs on the non-trunk road network should be made through the relevant local authority, and through NMWTRA/SWTRA for trunk road applications.

Hauliers should be advised that TTROs can take up to 12 weeks to process.

4.3.2 HA&BO notification assessment process

In processing an abnormal load journey notifications, the primary concern of highway authorities and other bridge owners is to assess the potential impact of the journey on highway structures.

4.3.2.1 Check for height and width restrictions

On receipt of a notification or notification enquiry, the Abnormal Loads Officer (ALO) for each of the affected HA&BOs will use details of the vehicle configuration to undertake audit checks of known height and width restrictions at structures along the route, and any other known structural constraints (temporary or permanent). Alternative routes or configurations may be suggested to avoid any identified structural constraints.

The ALO may request the haulier or enquiring party provides horizontal and/or vertical swept path analysis as necessary, based on topographical survey data. If the submitted swept path analysis is considered inadequate, the ALO may request the haulier or enquiring party undertakes a trial run to mimic the movement of the abnormal load vehicle through the constraint. The trial run vehicle should demonstrate the extent of the load envelope in terms of width and height in a clearly visible manner using a collapsible template. It should be noted that this may require a Police escort.

If the ALO is not satisfied that the constraint can be negotiated by the load, the HA&BO shall inform the haulier or enquiring party, as well as other relevant authorities as appropriate, that the load cannot be moved. WG can also implement Permanent or Temporary Traffic Regulation Orders under the Road Traffic Regulation Act 1984 to limit the maximum gross vehicle weight on a structure if required.

¹³ The Police Reform Act allows DVSA and other agencies to use Policing Powers to be able to replace officers at planned events, under the provisions of the Community Safety Accreditation Scheme (CSAS), as long as they are "employed" by the Accredited Agency to do so.

4.3.2.2 Check for structural capacity

On receipt of a notification or notification enquiry, the ALO will undertake checks referring to existing structural certification along the notified route, in consultation with the HA&BO's structures team if necessary, based on the loading and vehicle configuration.

If checks identify structures which may not be able to carry the load, the haulier may suggest an alternative route which will then need to be submitted to the relevant HA&BO for approval.

Further checks will be undertaken if an alternative route cannot be found. This will be undertaken by the ALO or a structural engineer. If these checks identify structures which would not be able to carry the load, the haulier may propose alternative vehicle configurations until a suitable configuration is found.

If neither a suitable route nor suitable vehicle configuration can be found and the HA&BO rejects the proposal to move on this basis, then the haulier may commission the assessment of route structures by a suitably qualified and experienced consultant at their own expense. All load assessments require Technical Approval according to BD2, 'Technical Approval Of Highway Structures'¹⁴. WG are the Technical Approval Authority (TAA) for Trunk Roads in Wales.



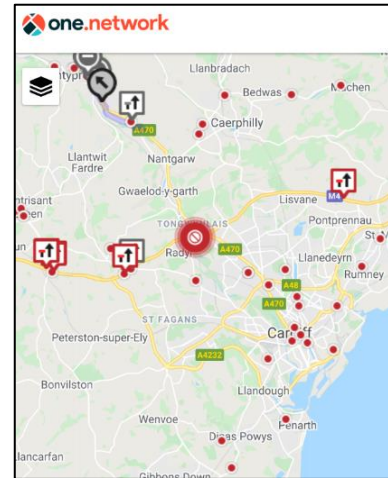
¹⁴ <https://www.croftse.co.uk/wp-content/uploads/2018/04/BD2-12-Highways-Structures-Approval.pdf>

4.4 Post-notification considerations

4.4.1 Roadworks and disruptions

The haulier should check for roadworks and disruptions along the route on the day of travel before commencing an agreed journey. Roadworks can particularly affect the passage of wide loads, and national details of live roadworks can be checked at <https://one.network/> or at <https://traffic.wales/> (also see Section 7 for Traffic Wales' contact details).

The haulier should consult in advance with the relevant ALO and the party responsible for the works if there is any doubt about whether the works affect the agreed route for the journey.



In the event where roadworks make the agreed route impassable, an agreement should be reached with the party responsible for the works to make passage possible at an agreed time, if feasible.

If not feasible, or if an unforeseen disruption makes a section of the agreed route impassable, the haulier is expected to assess where it is most appropriate and safe to park up and to contact the Police. If there are no safe areas then traffic management may be required to safely control traffic around the abnormal load vehicle. In addition to Police contact details, all hauliers are also recommended to carry contact details of the relevant local highway authorities and national traffic management firms to aid swift action in case of such an event.

4.4.2 Enforcement considerations

Once in transit, abnormal load vehicles can be subject to enforcement checks by either Police or DVSA officers. The vehicle may be escorted to a safe stopping place if any of the following conditions are met:

- Police have not received notification of movement
- Notification of movement is invalid due to inaccuracies
- Movement is not taking place in accordance with approved notification or authorised amendments
- Abnormal Indivisible Load vehicle or load is incorrectly marked or lit
- Abnormal Indivisible Load vehicle does not have the required attendant

- Abnormal Indivisible Load vehicle does not have the escort vehicle required by Police
- Driver is currently committing a 'driving hours' offence under tachograph regulations or will have committed an offence before reaching next stopping point
- Driver is currently committing an 'insufficient rest' offence under tachograph regulations
- Any C&U offences not exempted by STGO 2003 are evident

Where non-compliance is evident, the driver and operator are liable to prosecution under C&U regulations. Penalties for non-compliance can range from a fine¹⁵ to the temporary restriction or suspension of the haulier's operating licence by the Traffic Commissioner for Wales¹⁶. Officers might also prevent onward travel of the vehicle until any areas of non-compliance are adequately addressed.

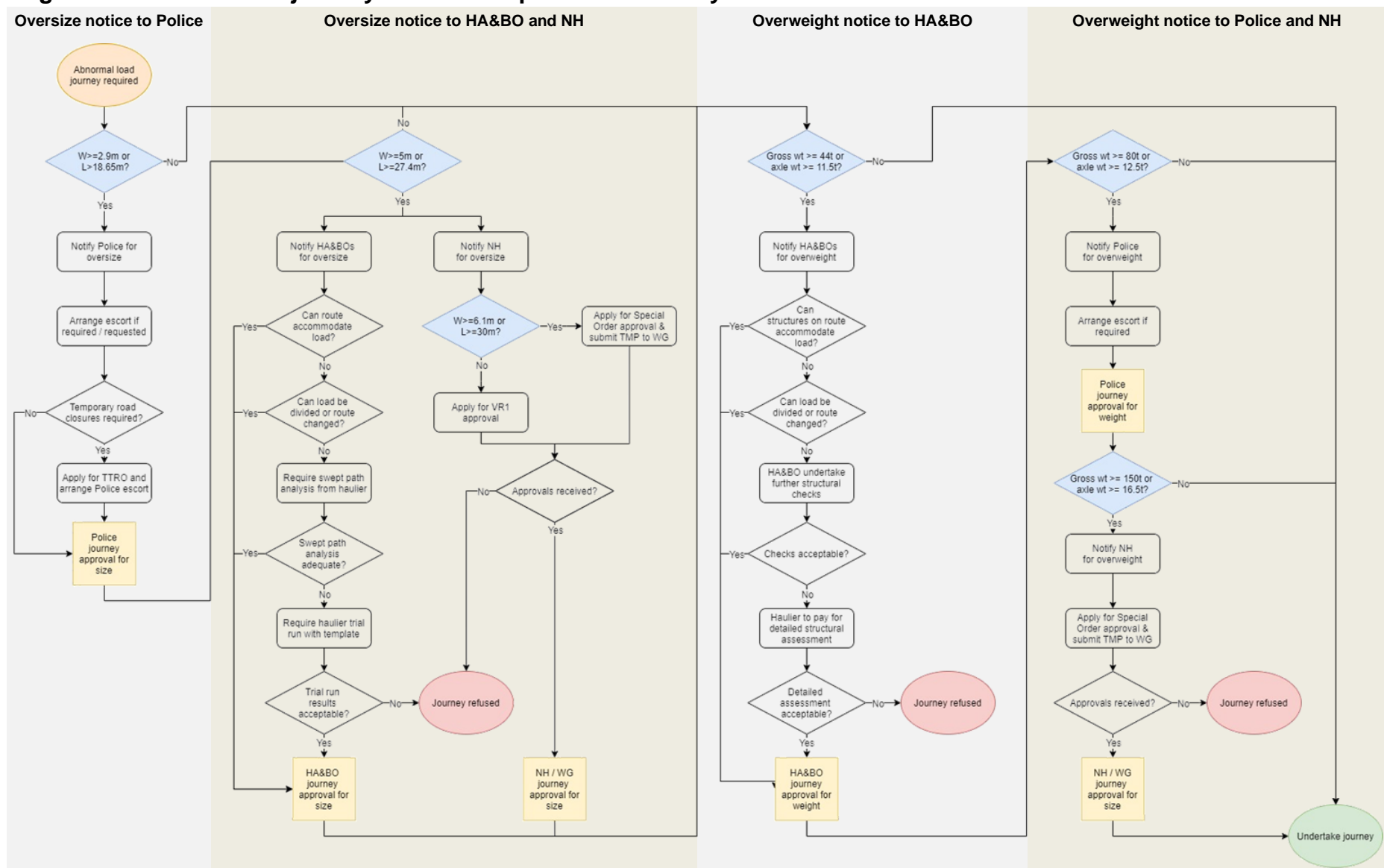
4.5 Process summary

A summary of the main steps in the legally required notification process is shown in the following figure.

¹⁵ <https://www.gov.uk/government/publications/guide-to-graduated-fixed-penalties-financial-deposits/dvsa-roadside-checks-fines-and-financial-deposits>

¹⁶ <https://www.gov.uk/traffic-commissioner/decision-and-penalties>

Figure 2 Abnormal load journey notification process summary



5 ABNORMAL LOADS AND DEVELOPMENT CONTROL

5.1 Planning applications

Planning applications for developments which are likely to generate abnormal load movements, either during construction or operation, may be required to be submitted with a Transport Assessment in accordance with Welsh Government Planning Policy Technical Advice Note 18: Transport¹⁷ Regarding abnormal load movements, the Transport Assessment should identify:

- Estimated movement volumes of abnormal loads to and from the site
- The most appropriate abnormal load routes to and from the site
- Mitigation proposals where necessary for route to safely accommodate load

Failure to demonstrate that the site can be safely accessed by the loads it will generate can be grounds for refusal of planning permission.



5.2 Planning conditions

Where planning permission is granted for a development which will generate abnormal load movements on the Welsh trunk road network, the following planning conditions will be attached.

¹⁷ <https://gov.wales/sites/default/files/publications/2018-09/tan18-transport.pdf>

5.2.1 Structural assessment

No on-site development works shall be undertaken until:

- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and
- b. details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

5.2.2 Condition surveys

Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

5.2.3 Liability for incidental damage

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

5.2.4 Traffic Management Plan

AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:

- a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
- b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
- i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features
- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements
- m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route

AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.

5.2.5 Highway works

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant highway authority including:

- a. the detailed design of any works
- b. geometric layout
- c. construction methods
- d. drainage, and
- e. street lighting

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

5.2.6 Road Safety Audit

The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges GG 119¹⁸. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

5.2.7 Section 278 Agreement

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an

¹⁸ <http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/C%20-%20Core%20Documents/6.%20Transport%20and%20Engineering/DMRB/vol5/section2/hd1915.pdf>

agreement in place, any consent that may be granted cannot be implemented.

For further information on this matter please refer to Welsh Government Procedure & Advice Guidance PAG 109/18: Section 38,184, and 278 Agreements under the Highways Act 1980¹⁹.

5.2.8 Access onto the trunk road

Full details of the highway works associated with the proposed new access onto the trunk road shall be submitted by the applicant to WG, as the Welsh trunk road highway authority, prior to the commencement of any works on the development site. Details of proposed highway works should be as indicated on the submitted plans including the detailed design, geometric layout, construction and drainage.

The visibility splays shown on the submitted plans of the proposed new access onto the trunk shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05m above the adjoining carriageway.

All highways works shall achieve full compliance with DMRB.



¹⁹ <https://gov.wales/sites/default/files/publications/2018-04/109-18-section-38-184-and-278-agreements-under-the-highways-act-1980.pdf>

6 SUMMARY OF ROLES AND RESPONSIBILITIES

The roles and responsibilities for each party set out in this document are summarised in the following table.

Table 6 Summary of roles and responsibilities of parties involved in abnormal load movements

Party	Role	Responsibilities
Consigners/agents	Generating/commissioning abnormal load movement	<ul style="list-style-type: none"> Commissioning of fully compliant haulier for planning and executing abnormal load movements. Preference should be given to hauliers with FORS accreditation (see https://www.fors-online.org.uk/cms/)
Haulier	Preparing and executing abnormal load movement	<ul style="list-style-type: none"> Planning subdivision of loads wherever possible to avoid need for abnormal load movements (see Section 3.1) Ensuring selected vehicle complies with the legislation applicable to the dimensions and weight of the combination (see Table 1) Ensure vehicle and load is clearly signed, marked and lit according to regulations (see Section 3.2) Ensure attendants accompany vehicle if required (see Section 3.3) Carry VR1 or Special Order documents in vehicle where applicable (see Section 3.4) Notify relevant authorities of abnormal load journey with sufficient notice period, including a Traffic Management Plan if required (see Section 4.1.2) Address and, if necessary, pay for any requirements emerging from notification assessment process (see Section 4.3) Undertake/procure structural assessment if required (see Section 4.3.2.2) Accommodate for roadworks and disruptions on day of travel (see Section 4.4.1) Execute journey according to approved notification (see Section 4.4.2) and, where applicable, to approved Traffic Management Plan (see Section 2.2.2)
Abnormal load attendant	Accompanying abnormal load on journey where required	<ul style="list-style-type: none"> Accompany abnormal load vehicle for full journey where legislation requires Warn the driver or any other person of any danger likely to be caused by the presence of the vehicle or vehicles on the road (see Section 3.3)
Abnormal load escort	Escorting abnormal load on journey where required	<ul style="list-style-type: none"> Comply with National Highways guidance in vehicle preparation and abnormal load escort protocol (see Section 4.2.2.2) Comply with any specific instructions provided by Police (see Section 4.3.1.2)
Police	Assessing public safety impacts of abnormal load notifications, escorting where required and enforcing regulations in transit	<ul style="list-style-type: none"> Undertake public safety risk assessment for all abnormal load notifications (see Section 4.3.1.1) Advise haulier with sufficient notice if any amendments required to notified journey or if notification refused (see Section 4.3.1.1) Advise haulier with sufficient notice if private or Police escort required and if TTRO required (see Section 4.3.1.2 and 4.3.1.3) Resource the Police escort, as required (see Section 4.3.1.2) Enforce abnormal load regulations in transit for public safety (see Section 4.4.2)
DVSA	Vehicle standards, licencing and enforcement	<ul style="list-style-type: none"> Enforce abnormal load regulations in transit for public safety (see Section 4.4.2)
HB&BOs	Assessing infrastructure impacts of abnormal load notifications	<ul style="list-style-type: none"> Assess relevant journey notifications in terms of capacity of route infrastructure to accommodate proposed abnormal load dimensions and weight (see Section 4.3.2) Advise haulier if journey notification is rejected or approved (see Section 4.3.2 Error! Reference source not found.).
Planning authorities	Determining planning applications for abnormal load generating developments	<ul style="list-style-type: none"> Ensure planning applications consider abnormal load trip generation and demonstrate suitable routeing and, where necessary, mitigation (see Section 5.1) Apply planning conditions where necessary to ensure abnormal load routes are fully planned and approved and that all journeys are undertaken according to an approved Traffic Management Plan (see Section 5.2)
Developers	Seeking planning consent for abnormal load generating developments	<ul style="list-style-type: none"> Submit Transport Assessment with planning application to identify abnormal load trip generation, suitable routeing and, where necessary, mitigation (see Section 5.1) Discharge planning conditions, where applicable, by ensuring abnormal load routes are fully planned and approved and by committing to all journeys being undertaken according to an approved Traffic Management Plan (see Section 5.2)

7 USEFUL CONTACTS

The process outlined in the above sections requires input from and contact with a number of organisations in order to ensure all relevant authorities are notified, and that abnormal load movements occur safely and without causing disruption to the network.

The following table provides a list of key contacts and contact details for queries associated with the movement of abnormal loads in Wales.

Table 7 Useful contacts for abnormal load related queries

Organisation	Contact details
Welsh Government ALO	Tel: 02920 629465 Email: AbnormalLoads@gov.wales
Dyfed-Powys Police	Tel: 01267 226011 Email: AbnormalLoads@dyfed-powys.pnn.Police.uk
Gwent Police	Tel: 01633 642470 Email: abnormal-loads@gwent.pnn.Police.uk
North Wales Police	Tel: 01492 805407 Email: abloadnotify@nthwales.pnn.Police.uk
South Wales Police	Tel: 01656 655555 Email: Special-Movements@south-wales.pnn.Police.uk
NMWTRA	Tel: 01545 571960 Email: abnormalloads@nmwtra.org.uk
SWTRA	Tel: 01792325965 Email: abnormalloads@southwales-tra.gov.uk
Traffic Wales	Tel: 0300 123 1213
National Highways Abnormal Loads Team	Tel: 0300 4703004 Email: abnormal.loads@highwaysengland.co.uk
Network Rail Abnormal Loads Team	Tel: 01908 783 140 Email: abnormalloads enquiries@networkrail.co.uk
Blaenau Gwent County Borough Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Bridgend County Borough Council	Tel: 01656 642857 Email: abloads@bridgend.gov.uk
Caerphilly County Borough Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Cardiff City & County Council	Tel: 02922 330966 Email: abnormal.loads@cardiff.gov.uk
Carmarthenshire County Council	Tel: 01267 228307 Email: abnormalloads@carmarthenshire.gov.uk
Ceredigion County Council	Tel: 0154 5572430 Email: technical.services@ceredigion.gov.uk
Conwy County Borough Council	Tel: 01492 575365 Email: abnormalloads@conwy.gov.uk
Denbighshire County Council	Tel: 01824 706884 Email: abnormal.loads@denbighshire.gov.uk
Flintshire County Council	Tel: 01352 704810 Email: abnormalloads@flintshire.gov.uk
Gwynedd County Council	Tel: 01286 679306 Email: LlwythAbnormal@gwynedd.llyw.cymru
Isle of Anglesey County Council	Tel: 01248 752312

Organisation	Contact details
Merthyr Tydfil County and Borough Council	Tel: 01685 726241 Email: [REDACTED]
Monmouthshire Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Neath Port Talbot County Borough Council	Tel: 01639 686492 Email: abloads@npt.gov.uk
Newport City Council	Tel: 02920 803500 Email: Loads.Abnormal@capita.co.uk
Pembrokeshire County Council	Tel: 01437 776153 Email: abloads@pembrokeshire.gov.uk
Powys County Council	Tel: 01597 826619 Email: highways.management@powys.gov.uk
Rhondda Cynon Taf County Borough Council	Tel: 01443494706 Email: highwaysabnormalloads@rctcbc.gov.uk
Swansea Council	Tel: 01792 636182 Email: Abnormal.Loads@swansea.gov.uk
Torfaen County and Borough Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Vale of Glamorgan Council	Tel: 02920 673106
Wrexham County Borough Council	Tel: 01978 729723 Email: abnormal_loads@wrexham.gov.uk